

## **Superfund Program Implementation Manual FY 09**

### **Appendix D: Federal Facility Response**

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## APPENDIX D: FEDERAL FACILITY RESPONSE

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## **APPENDIX D: FEDERAL FACILITY RESPONSE**

### ***D.A. FEDERAL FACILITIES GOALS AND PRIORITIES***

#### **D.A.1. Overview**

To manage the Superfund Federal Facilities program, the Federal Facilities Enforcement Office (FFEO) and the Federal Facilities Restoration and Reuse Office (FFRRO) use the Federal Facilities Leadership Council (FFLC) to help identify and resolve issues unique to the management of EPA's Superfund Federal Facility Response Program. The FFLC is comprised of Superfund and/or the Resource Conservation and Recovery Act (RCRA) program and enforcement/counsel representatives from all regions, as well as representatives from the Federal Facilities Headquarters (HQ) offices and other HQ offices that handle Federal Facility issues.

#### **D.A.2. Superfund Federal Facility Goals**

##### **a. Strategic Federal Facility Goals**

Superfund Federal Facility activities have high visibility because of the significant threats posed by military and weapons sites, the impact of military base closings, the resources needed to implement DoD/DOE cleanup efforts at facilities listed on the NPL and other non NPL facilities, and heightened state, tribal, local governments and other stakeholder interests. Federal Facility program goals are based on a number of related factors, including overall Superfund program goals, anticipated resource constraints, Congressional interest, and statutory requirements. Program activities and resources should be planned to achieve the following goals of the Federal Facility program:

- *Sitewide Construction Completions and long-term protectiveness* - Regional efforts should be focused on getting to completion of construction at Federal Facilities. In addition, once the remedies are in place, regional effort is focused on ensuring they remain protective.
- *Expediting Property Transfer and Reuse* - With revitalization being one of OSWER's highest priorities, property reuse is a GPRA initiative OSWER is currently establishing for the cleanup program. The number of acres EPA has found suitable for transfer or lease are currently being tracked by EPA in CERCLIS. One way of facilitating property reuse occurs when DoD installations are slated for closure or realignment, or have been identified as excess property through other means. At these BRAC installations environmental restoration activities continue with the same cleanup objective as those of active installations -- protect human health and the environment. At the time of closure or realignment, specific BRAC property, and its possible future use, is identified. The closed or realigned property will eventually be transferred to another Service Component, federal agency or a non-federal entity, such as a state or local government or private entity. Along with achieving cleanup objectives, BRAC installations focus on efficient property transfer, providing beneficial and protective reuse of the property by the local community. Property reuse also occurs at non-BRAC Federal Facilities (via leases, transfers, etc.).
- *Environmental Indicators* - There are two environmental indicators (EI) currently reported under the GPRA framework for the Superfund program: Human Exposures Under Control and Contaminated Groundwater Migration Under Control. These two measures provide current site information regarding risk reduction at sites where cleanup is ongoing and not yet completed. EI data is being used to convey to those who monitor the Superfund program the progress achieved at sites where construction has not been completed.
- *Sitewide Ready for Anticipated Use* - This GPRA performance measure was created in FY06 (the measure was formerly named Sitewide Ready-for-Reuse) to document the number of final and deleted construction complete NPL sites where, for the entire site or facility:
  - All cleanup goals in the Record(s) of Decision (ROD) or other remedy decision document(s) have been achieved for media that may affect current and reasonably anticipated future land uses of the site, so that there are no unacceptable risks; and

- All institutional or other controls required in the Record(s) of Decision or other remedy decision document(s) have been put in place.

The introduction of this measure reflects the Agency's commitment to land revitalization. The Agency's policies have increasingly addressed the issue of making Superfund NPL sites protective for current and future uses. In particular, one of EPA's key responsibilities under CERCLA is to ensure that contaminated property owned by the Federal government is environmentally suitable for transfer or lease.

- *Involving Citizens Local Governments, and Tribes in Environmental Decision Making* - The publication of the Final Report of the Federal Facilities Environmental Restoration Dialogue Committee (FFERDC) in April 1996 was a watershed event for public involvement in Federal Facility cleanups. As a result of the Report, federal agencies have established Restoration Advisory Boards (RABs) at DoD installations and Site Specific Advisory Boards (SSABs) at DOE facilities. Other federal agencies are also starting to form advisory boards. Regional staff and management are expected to be especially sensitive to the requests at NPL facilities and at the BRAC facilities. Because of resource constraints, EPA regional participation and support for non NPL facilities is expected to be minimal. In addition, because many of the communities surrounding the Federal Facilities are communities of color, low income, and historically have been politically and economically disenfranchised, regions should give close scrutiny to environmental justice issues at the NPL Federal Facilities. Regions need to work closely with state agencies and their federal counterparts to ensure that the President's Executive Order on Environmental Justice is successfully carried out (E.O. 12898).
- *Enforcing the Laws* - The public needs to know that it will be protected from environmental hazards through vigorous enforcement by the EPA and the States for violations of environmental laws and situations that put people and natural resources at risk. EPA intends to use its enforcement authorities not only to compel compliance, but also to promote long term policy objectives such as greater citizen involvement, pollution prevention, technology development, and natural resource management.
- *Environmental Management Systems and Pollution Reduction Targets* - Executive Order 13148, Greening the Government Through Leadership in Environmental Management, established a framework for integrating environmental considerations into each federal agency's mission through a variety of directives and goals, including the implementation of environmental management systems, reductions in releases of toxic chemicals, and elimination of procurement of ozone depleting substances. The E.O. requires that an EMS be implemented at each appropriate Federal Facility by the end of 2005, based on a facility's size, complexity, and environmental aspects. Additionally, the E.O. requires federal agencies to have a program in place to periodically audit facilities' compliance with environmental regulations. Findings from those audits are to be included in the budget and planning activities of the agency to ensure that non-compliance is adequately addressed.

Executive Order 13148 called for further improvement in the Toxics Release Inventory (TRI) reduction success achieved under a previous E.O. The E.O. required a 40% reduction in reported federal releases by December 31, 2006, from a baseline year of 2001. Similarly, the E.O. reflected ongoing efforts to identify substitute chemicals or processes to reduce environmental damage, risk and liability. The language in the E.O. called for development of a list of priority chemicals used by the Federal Government that may result in significant harm to human health or the environment and that have known, readily available, less harmful substitutes for identified applications and purposes. Agencies were directed to reduce the use of those priority chemicals.

Regions should continue to strive to place these priorities and project milestones in enforceable Federal Facility Agreements (FFAs)/Interagency Agreements (IAGs) at NPL sites. FFAs and IAGs should be viewed as living, dynamic documents reflecting not only the best judgments by all parties of cleanup priorities and milestones at the time of agreement, but also the changing circumstances of environmental cleanup.

**b. Cross-Program Revitalization Measure Implementation**

Federal Facilities and Superfund Programs are implementing the OSWER-wide Cross-Program Revitalization Measures effort by tracking the number of actually or potentially contaminated, or previously contaminated, sites and surface acres that are “Protective for People Under Current Conditions” (PFP) and “Ready for Anticipated Use” (RAU).

Sites and surface acres tracked by these measures include investigated land, wetlands, surface water, and/or sediments for which these programs have a documented oversight role for any necessary assessment, remedial action, and/or property transfer. The Federal Facilities and Superfund Programs are using the current Human Exposures Under Control Environmental Indicator as basis for determining whether sites and acres are PFP; the PFP measure captures the number of acres at a site for which there are no complete pathways for human exposure to unacceptable levels of contamination based on current site conditions.

In order to meet the RAU measure, sites and acres must: 1) have all cleanup goals achieved for media that may affect current and reasonably anticipated future land uses such that there is no unacceptable risk, and 2) have all institutional or other controls identified as part of the response action as necessary for the site’s long-term protection be properly in place and effective. The Program is also tracking two optional indicators, Status of Use and Type of Use. These indicators describe how the acres are being used when the determination is made for the PFP and RAU performance measures.

Acres and sites that meet CPRM PFP and/or RAU criteria as well as Status and Type of Use information are documented via a checklist in CERCLIS. Acres are measured on an OU or property transfer parcel basis. CERCLIS has been updated to accommodate the land revitalization measures and the changes were released in June 2007. Headquarters has provided training opportunities, frequently asked questions, and quick reference guides that were designed to facilitate the Regions’ data collection and entry processes.

**c. Cross-Program Revitalization Measures (CPRM) Indicators**Definition:

The CPRM indicators and performance measures establish a similar, consistent set of measures that can be applied across all OSWER cleanup programs. OSRTI and FFRRO implemented the following three indicators and two performance measures established in the March 2007 CPRM Guidance:

Indicators:

- Universe Indicator (mandatory): This indicator is designed to capture the full universe of potential sites and land area, as measured in acres that are addressed by the CPRM measures. It includes: proposed, final, and deleted NPL sites, (including Federal Facilities); SA sites; NTCRA sites; and certain non-NPL Federal Facilities and FUDS<sup>a</sup>.
- Status of Use Indicator (voluntary): This indicator captures information about whether a site or any land area therein, as measured in acres, is being used. Sites and acres are classified as either unused, in continued use, reused, planned reuse, or undetermined.
- Type of Use Indicator (voluntary): This indicator describes the specific use at a site or any land area therein, as measured in acres, at the point in time when the Status of Use determination is made. Sites and acres are classified under one of the following ten primary categories: Commercial, Public Service, Industrial, Military, Other Federal, Mixed, Residential, Agricultural, Ecological, Recreational, and Undetermined.

*Status of Use Optional Indicator:* The Status of Use Indicator refers to how the acres of the sites and OUs included in the Universe Indicator are being used at the point in time when the determination is made for the PFP and RAU performance measures. The Status of Use Indicator has the following sub-indicators:

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<sup>a</sup> This includes those non-NPL Federal Facilities (such as Base Realignment and Closure (BRAC) or formerly Used Sites Remediation Action Program (FUSRAP) sites) and FUDs where EPA has signed/concurred on a response action (at a minimum, completed a Remedial Investigation/Feasibility Study (RI/FS), removal action, or other major cleanup decision document) or a property transfer.

- Continued Use: Acres in continued use refers to areas that are being used in the same general manner as they were when the site became subject to the Superfund or Federal Facilities Programs.
- Reused: Acres at a site identified as in reuse refers to a site or OU where a new use, or uses, are occurring such that there has been a change in the type of use (e.g., industrial to commercial), or the property was unused and now supports a specific use. This means that the developed site or OU is actually used for its intended purpose by customers, visitors, employees, residents, or fauna, in the case of ecological reuse.
- Planned Reuse: Acres in planned reuse include sites or OUs where a plan for a reuse is in place, but reuse has not yet begun. This could include conceptual plans, a contract with a developer, secured financing, approval by the local government, or the initiation of site redevelopment.
- Unused: Acres identified as unused include sites or OUs not being used in any identifiable manner. This could be, for example, because site investigation and cleanup are ongoing, operations have ceased, the owner is in bankruptcy, or cleanup is complete, but the site remains vacant.
- Undetermined: Acres at a site or OU that cannot be currently identified as one of the four Statuses of Use.

The Status of Use Indicator is independent of the status of response action because it recognizes that sites or OUs could be in various stages of use at various stages of cleanup and because use and reuse can change.

- *Type of Use Optional Indicator:* The Type of Use Indicator describes how acres at sites or OUs included in the Universe Indicator are used at the point in time when the PFP or RAU determination is made. Information on the type of use at a site or OU should be classified under one of the following six primary categories:

*Commercial*

- *Commercial Use:* Commercial use refers to use for retail shops, grocery stores, offices, restaurants, and other businesses.

*Public Service*

- *Public Service Use:* Public service use refers to use by a local or State government agency or a non-profit group to serve citizens' needs. This can include transportation services such as rail lines and bus depots, libraries and schools, government offices, public infrastructure such as roads, bridges, utilities, or other services for the general public.

*Agricultural Use:*

- *Agricultural Use:* Agricultural use refers to use for agricultural purposes, such as farmland for growing crops and pasture for livestock. Agricultural use also can encompass other activities, such as orchards, agricultural research and development, and irrigating existing farmland.

*Recreational Use:*

- *Recreational Use:* Recreational use refers to use for recreational activities, such as sports facilities, golf courses, ball fields, open space for hiking /picnicking, and other opportunities for indoor or outdoor leisure activities.

*Ecological Use:*

- *Ecological Use:* Ecological use refers to areas where proactive measures, including a conservation easement, have been implemented to create, restore, protect, or enhance a habitat for terrestrial and/or aquatic plants and animals, such as wildlife sanctuaries, nature preserves, meadows, and wetlands.

*Industrial*

- *Industrial Use:* Industrial use refers to traditional light and heavy industrial uses, such as processing and manufacturing products from raw materials, as well as fabrication, assembly, treatment, and packaging of finished products. Examples of industrial uses include factories, power plants, warehouses, waste disposal sites, landfill operations, and salvage yards.



*Military*

- *Military Use:* Military use refers to use for training, operations, research and development, weapons testing, range activities, logistical support, and/or provision of services to support military or national security purposes.

*Other Federal*

- *Other Federal Use:* Other Federal use refers to use to support the Federal government in Federal agency operations, training, research, and/or provision of services for purposes other than national security or military.

*Mixed*

- *Mixed Use:* Mixed use refers to areas at which uses cannot be differentiated on the basis of acres. For example, a condominium with retail shops on the ground floor and residential use on the upper floors would fall into this category. When selecting Mixed Use, the individual types of uses should be identified, if possible.

*Residential*

- *Residential Use:* Residential use refers to use for residential purposes, including single-family homes, town homes, apartment complexes and condominiums, and child/elder care facilities.

*Undetermined*

- *Undetermined:* Undetermined refers to acres at a site or OU that cannot be identified as one of the six Types of Use.

The CPRM indicators and performance measures had their first data pull on October 5, 2007 and are pulled at least quarterly thereafter.

**D.A.3. EPA's Federal Facility Superfund Cleanup Principles**

Consideration of Human Health and Environmental Risk and Other Factors in Federal Facility Environmental Cleanup Decision Making: Protection of Human Health and the Environment and meeting state applicable or relevant and appropriate requirements (ARARs) are threshold criteria at all Superfund sites, including Federal Facilities. Addressing the greatest risk sites will generally be a driving factor, but not the only factor in determining environmental cleanup priorities and milestones. In setting priorities and milestones, regions should consider:

- *Human Health and Environmental Risk:* Risk assessments and other analytical tools used to evaluate risks to human health (including non-cancer as well as cancer health effects) and the environment all have scientific limitations and require assumptions in their development. As decision-aiding tools, risk assessments should only be used in a manner that recognizes those limitations and assumptions. In addition to criteria established by statute, regulation or guidance, as noted below there are other factors that affect whether and to what extent cleanups are to occur.
- *Emerging pollutants, contaminants and hazardous substances of concern:* As analytical detection methods improve and health risk data are better defined, EPA and the federal community are detecting chemicals, like perchlorate and TCE, at lower levels of concern and at a greater number of sites. Thus, we may need to expand the scope of investigations and cleanup actions, and take other actions to adequately address these chemicals.
- *Other Factors:* In addition to human health and environmental risk, other factors that warrant consideration in setting environmental cleanup priorities and milestones include, but are not limited to: cultural, social, and economic factors, including environmental justice considerations
  - short-term and long-term ecological effects and environmental impacts in general, including damage to natural resources and lost use
  - making land available for other uses
  - acceptability of the action to regulators, tribes, and public stakeholders
  - statutory requirements and legal agreements
  - life cycle costs
  - permanence and reliability of remedy

- pragmatic considerations, such as the ability to execute cleanup projects in a given year, and the feasibility of carrying out the activity in relation to other activities at the facility
  - overall cost and effectiveness of a proposed activity
- *Collaboration:* The Federal Facilities Response program will continue to work in a collaborative fashion with other federal agencies, other regulators, tribal governments, local governments and communities. In many situations, EPA's statutory responsibilities will place the Agency in a leadership role that requires convening the relevant parties and facilitating interaction. In other situations, EPA will simply act as one of the many interested parties in a collaborative problem-solving effort convened by another federal agency, tribe, state, local government or a private entity. However, it is important to recall that collaboration cannot replace the core functions of a regulatory agency nor compromise EPA decision-making and enforcement responsibilities.

Typically, EPA looks to all affected stakeholders for ideas and innovative solutions and, where appropriate, incorporates stakeholder recommendations into policy and practice.

*Innovation:* Federal Facilities should continue to serve as a test bed for new cleanup technologies and new cleanup processes. We should continue efforts, working with others, to promote more effective and efficient cleanups that support redevelopment and reuse of contaminated properties, especially those that support the mission of the responsible agency. Efforts to improve and streamline the cleanup process should continue to focus on reducing paperwork and developing more collaborative relationships among all parties.

*Consistency of Treatment between Federal Facilities and Private Sites:* Federal Facilities, especially NPL sites, are generally large complex sites. CERCLA requires that Federal Facilities be treated the same as other entities.

*Environmental Justice:* As Federal Facilities affect many diverse communities and communities of low income, the Federal Government has an obligation to make special efforts to reduce the adverse affects of environmental contamination related to Federal Facility activities on affected communities that have historically lacked economic and political power, adequate health services, and other resources. This needs to continue to be a focus for the Program.

*Stakeholder Involvement:* Despite a very impressive record of success, involvement by the public continues to be an area where improvements can be made. Federal Facility cleanup decisions and priorities should reflect a broad spectrum of stakeholder input from affected communities including indigenous peoples, low-income communities, and minority groups. Stakeholder involvement has, in many instances, resulted in significant cleanup cost reductions. It should therefore not only be considered as a cost of doing business but as a potential means of efficiently determining and achieving acceptable cleanup goals.

*The Role of Negotiated Cleanup Agreements:* Enforceable cleanup agreements play a critical role both in overseeing priorities at a site and providing a means to define and balance the respected interdependent roles and responsibilities in Federal Facilities cleanup decision making. EPA must continue to hold federal agencies accountable for meeting the terms of these agreements to ensure timely and protective cleanup.

*The Critical Role of Future Land Use or Activity Determinations:* Reasonably anticipated future land uses should be considered when making cleanup and reuse decisions for Federal Facilities. The communities that are affected by Federal Facility cleanups, along with their state and local governing bodies and affected Tribes, should be given a significant role in determining reasonably anticipated future use of federal property that is expected to be transferred, and in how future use determinations will be used in making cleanup decisions.

*The Importance of Characterizing Sites Correctly:* The identification and characterization of contamination and the evaluation of health impacts on human populations and ecological effects are essential parts of the cleanup process. If a quality characterization is done, money and time can be saved during the response phase. Characterization must also include proper quality assurance/quality control processes to ensure that data are used to make decisions of known and reliable quality.

#### **D.A.4. Federal Facility Docket and Site Discovery/Site Assessment**

##### **a. Overview**

The U.S. Environmental Protection Agency (EPA) Federal Agency Hazardous Waste Compliance Docket (Docket) Process and Federal Facility Site Discovery/Site Assessment Process are different from the non-Federal facility Site Assessment Process; and are governed by a specific set of status and regulations in the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 1980, as amended by the Superfund Amendments and Reauthorization Action (SARA), 1986, and in the National Contingency Plan (NCP). The Federal facilities process is different in at least four ways:

- (1) Federal Facility Docket Process and Federal Facilities Discovery Process:
  - The process for Federal facilities involves listing Federal facility sites on the Docket (CERCLA/SARA Section 120(c)) prior to any listing of the Site Discovery in CERCLIS.
- (2) Federal Facilities Site Assessment and Time Frames:
  - The time frame, for completion of Federal facilities site assessment activities following Site Discovery; is that of “a reasonable time schedule” (CERCLA/SARA Section 120(d)) as Amended in 1997; and for completion of Hazard Ranking System (HRS) evaluations the time frame is within 4 years from Site Discovery.
- (3) Authority for Conducting Federal Facility Site Assessments - Executive Order 12580:
  - The authority for conducting Federal facility site assessments has been delegated to the Federal Agencies under Executive Order 12580 (E.O. 12580), and CERCLA 120(h)
- (4) Federal Facility Site Assessment Reports & EPA Review and HRS Evaluation:
  - EPA is required to review Federal facility site assessment reports and evaluate such facilities in accordance with the HRS criteria (authority retained by EPA).

##### **b. Federal Facility Docket Process and the Federal Facilities Site Discovery Process**

EPA is required to establish a Federal Agency Hazardous Waste Compliance Docket (“Docket”) under Section 120(c) of the CERCLA of 1980, as amended by SARA of 1986. Section 120(c) requires EPA to establish a Docket that contains information reported to EPA by Federal facilities that manage hazardous waste or from which a reportable quantity of hazardous substances, pollutants, or contaminants have been or may be released. The Docket was established by EPA OSWER in 1988.

The Docket is used to identify Federal Facilities that should be evaluated to determine if they pose a threat to public health or welfare and the environment; and to provide a mechanism to make this information available to the public. As new facilities are reported to EPA by Federal agencies, EPA publishes a list of these facilities in the *Federal Register*.

The Docket contains information submitted by Federal Agencies under the following authorities:

- Section 103 of CERCLA requires owners or operators of vessels or facilities to notify the National Response Center of a release of a reportable quantity of a hazardous substance (notification of a release or potential release);
- Section 3005 of the Resource Conservation and Recovery Act (RCRA) provides EPA authority to establish a permitting system for hazardous waste treatment, storage, and disposal (TSD) facilities, which in turn requires them to submit certain information as part of the permit application (interim status/permitting authority). The hazardous waste permitting program is generally implemented by authorized states;
- Section 3010 of RCRA requires hazardous waste generators, transporters, and TSD facility owners/operators to notify EPA of their hazardous waste activities (notification of hazardous waste activity);
- Section 3016 of RCRA requires Federal Facilities to submit an inventory of hazardous waste sites they own or operate, or have owned and operated in the past (biennial inventory of hazardous waste activities).

Any potential Federal facility site is generally first added to the Docket<sup>b</sup>. Following publication of the site's addition to the Docket in the Federal Register, the site is then entered in CERCLIS as a Site Discovery. The Site Discovery Date is that of the publication in the Federal Register. For additional information see the EPA Docket Reference Manual, Federal Agency Hazardous Waste Compliance Docket, Interim Final, March 9, 2007; website: <http://www.epa.gov/fedfac/documents/docket.htm>

### **c. Federal Facility Site Assessment Process and Time Frames**

CERCLA/SARA, as amended, Section 120(d) (1) requires that EPA take steps to assure that a PA be completed and that evaluation and listing of sites be completed within a reasonable time frame (CERCLA/SARA, as amended, Section 120(d) (3)) for each Federal facility included on the published list of Federal facilities reported pursuant to Section 120(c) of CERCLA/SARA (the "Federal facilities docket"). The PA is designed to provide information for EPA to consider when evaluating the site for potential listing on the National Priorities List. (NPL). E.O. 12580 delegated the authority to conduct Federal facility PAs and, when warranted, Federal facility Site Inspections (SIs) to the Federal Agencies.

EPA believes the most reasonable schedule for assessing Federal facility sites listed on the Docket would be one consistent with the schedule for assessing non-Federal facility sites which are tracked in Superfund's CERCLIS hazardous waste site database. Potential budgeting issues of a Federal facility may also be a factor in conducting a PA. Under Superfund policy (OSWER directive 9200.3-14-1E), EPA attempts to complete a non-Federal facility PA within 1 year of that site's discovery (inclusion in CERCLIS). However, the need of Federal agencies to wait for the next budget cycle to obtain funding may make the 1 year time frame problematic in some cases. Further, past experience using the 18 month time frame has shown it to be a reasonable period of time for completion of the Federal facility PA. As a result, it is appropriate to expect Federal facilities to strive to submit completed Federal facility PA Reports within 18 months from inclusion on the Docket. Of course, in cases where a PA petition is submitted pursuant to CERCLA section 105(d), a PA may need to be completed within 12 months.

It is worth noting that under section 116(b) of SARA, a facility should be evaluated within 4 years of CERCLIS listing. EPA believes this is a reasonable time frame for making listing decisions at federal facility sites as well. On receipt and following evaluation of a Federal facility PA and, if warranted, a Federal facility SI, EPA would make a determination either of No Further Remedial Action Planned (NFRAP) under EPA's Superfund Program (CERCLA/SARA); or of potential NPL candidate. However, if further EPA involvement is warranted for an HRS evaluation and proposal of the site to the NPL, then all these steps, from Discovery to NPL proposal, have to be completed within a 4 year time frame. Historically, it was sometimes difficult for EPA and the federal agencies to complete these tasks within the 30 months originally provided under section 120(d), and EPA believes 48 months is a more appropriate and reasonable time frame for both the federal facility and EPA.

EPA and the individual agencies should work together to ensure these time frames are met.

### **d. Authority for Conducting Federal Facility Site Assessments - E.O. 12580**

Sections 104(b) and (e) of CERCLA grant to the President broad investigative authority to conduct a PA and/or a Site Inspection (SI). The President has delegated this authority through E.O.12580 to the heads of the respective Federal executive departments and agencies with jurisdiction, custody, or control over their facilities. The NCP provides for the lead Federal agency to perform a PA and, as appropriate, an SI, on all sites on the Docket and in CERCLIS (see CERCLA/SARA 120(d) and 40 CFR Part 300.420(b)(1) and (c) (1)). Section 300.5 of the NCP defines "lead agency" generally as that Federal executive agency with jurisdiction, custody, and control over the facility on which a release occurs or is from (except in the case of an emergency). Accordingly, each Federal agency typically is the lead agency to conduct a PA or an SI on facilities within its respective jurisdiction, custody, or control.

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<sup>b</sup> There may be instances when a facility included in the docket may not be listed in the CERCLIS database. (Source: Change 5, FY 04/05 SPIM, D-5, January 10, 2005, OSWER Directive 9200.3-14-1G-Q).

EPA must take steps to ensure that a PA is completed for facilities on the Federal facilities docket where the respective Federal agencies are delegated the authority to conduct a PA or SI, and thus the respective Federal agencies are the “lead agency” for conducting such investigations.

Federal Facilities that conduct a PA may satisfy some of the PA reporting requirements through work already conducted pursuant to the RCRA corrective action program or state cleanup programs. For example, a facility at which a RCRA Facility Assessment (RFA) has been conducted may base its PA on the RFA report. When work conducted under such non-CERCLA authorities is the basis for satisfying PA requirements, the facility should demonstrate that all information required for the CERCLA PA is provided. In some instances, it may be appropriate to provide supplemental information to ensure that all hazardous substances, pollutants, or contaminants at the facility are addressed. Similarly, at a Federal facility sites when under CERCLA 120(h) ownership Federal Real Property is being transferred, where there have been observed releases, the Federal facilities may satisfy some of the PA reporting requirements through work already conducted for GSA Environmental Phase II Reports or other environmental investigations done by DoE/DoD. Again, as in the foregoing RCRA Facility Assessment discussion, the Federal facilities should demonstrate that all information required for the CERCLA PA is provided, and as appropriate, provide similar supplemental information as mentioned above.

For additional information see the *Federal Facilities Remedial Preliminary Assessment and the Federal Facilities Remedial Site Investigation Summary Guides*, 2005: <http://www.epa.gov/fedfac/documents/docket.htm>

#### **e. Federal Facility Site Assessment Reports & EPA Review and HRS Evaluation**

For Federal facilities, the site assessment process under CERCLA/SARA begins when the Federal facility site has been listed on the Docket. When a Federal facility submits a Federal facility PA report (also see CERCLA 104(h)), or if warranted a Federal facility SI report, EPA evaluates the site in accordance with the HRS final rule<sup>c</sup> to determine whether the site poses a threat to public health or welfare and the environment.

If EPA determines that the site does not pose a threat to human health and the environment based on the data provided in the PA or SI reports, then EPA will designate a decision of “No Further Remedial Action Planned” (NFRAP) under Superfund. A decision not to take further response/remedial action under the Superfund program is based on a finding that the facility/situation does not meet the minimum CERCLA eligibility requirements or that there is insufficient risk to human health or welfare, or the environment to be included or proposed, at this time on the NPL by the EPA. This decision does not preclude any further action at the facility by other EPA Programs, by the States or other Federal agencies. If there is a clear non-compliance with other environmental programs, EPA will make a deferral to the appropriate alternate authorities. Should EPA receive new information and/or issue new rule making that warrants further EPA involvement, EPA will reactivate the site. If the results of a Federal facility SI indicate that the Federal facility site warrants further investigation based on the HRS evaluation, EPA will prepare an HRS scoring package to propose placing the site on the NPL. To make such an NPL decision, EPA may collect further data to complete the HRS package.

#### **f. Tracking of Federal Facility Sites in CERCLIS**

Federal facility sites can be tracked through the Federal Facility docket screen in CERCLIS, EPA’s official CERCLA/SARA sites data base tracking system. It allows authorized EPA CERCLIS users to enter new Federal Facility Docket sites. CERCLIS users can access that and other screens to select and track Federal facility sites in the CERCLIS universe, and to manage site assessment activities (i.e., Federal facility Preliminary Assessment Review and Federal facility Site Inspection Review actions) at these sites.

CERCLIS tracks site assessment activities that are being or have been conducted for all Federal Facilities listed on the Docket pursuant to CERCLA Section 120 et al.

For more in depth understanding of the site assessment process for Federal facilities, see

- EPA Federal Facilities Preliminary Assessment Summary Guide, July 21, 2005;

<sup>c</sup> Hazard Ranking System; Final Rule, 40 CFR Part 300, Appendix A, Federal Register, Vol. 55, No. 241, December 14, 1990.

- EPA Federal Facilities Remedial Site Inspection Summary Guide, July 21, 2005;
- Appendix A to the above: *Federal Facilities Remedial Preliminary Assessment and Remedial Site Inspection Summary Guide (Information Supplement)*, July 21, 2005, for Law/Regulations: Summary of Appropriate Legislation/Regulation; Definition of Site; and Site Assessment Process for Federal Facilities;
- EPA Guidance for Performing Preliminary Assessments Under CERCLA (1991);
- EPA Guidance for Performing Site Inspections Under CERCLA (1992).

For CERCLIS tracking of Federal facilities site assessment data, the SPIM Appendix A and Appendix D (B.2) provide additional instruction and details for data entry.

#### **D.A.5. BRAC Budget and Financial Guidance**

##### **a. D.A.5.a. Resources and Tracking Mechanisms**

The primary mission of the BRAC program is to ensure that the hazardous waste sites owned or operated by the military service are addressed and cleaned up as quickly as possible and made available to support the reuse of properties. Regional efforts should be focused on achieving completion of cleanup construction activities and ensuring property is suitable for transfer and/or lease at BRAC sites.

##### **BRAC I - IV**

Under BRAC more than 800 military installations were scheduled for closure or realignment in 1988 (BRAC I), 1991 (BRAC II), 1993 (BRAC III), 1995 (BRAC IV) and 2005 (BRAC V). Of the installations closed or realigned in the first four rounds of BRAC, 107 are covered through an MOU between EPA and DoD, and of this total 35 BRAC I-IV sites are on the NPL.

The Agency continues to assist DoD in assessing these properties and determining their suitability for transfer and/or lease, accelerating cleanup actions wherever possible, and ensuring that remedies selected reflect the views of the affected communities surrounding the sites and the proposed future reuse. HQ and Regional managers must work with DoD, tribal, state, local governments, and private interests to expedite cleanup and support property transfer, reuse and economic development.

Program management guidance is included in the April 2006 Interim Guidance for EPA's BRAC Program, which supercedes the 1996 BRAC Fast Track guidance <http://www.epa.gov/fedfac/documents/epa296.htm>. The majority of EPA's BRAC resources are directed to the regions for technical, regulatory and property transfer oversight at BRAC installations. EPA BRAC resources received from DoD are to be used and allocated according to the Base Realignment and Closure Memorandum of Understanding (MOU) between EPA and DoD signed in February 2008. EPA uses Base Closure funding for EPA personnel to participate on BRAC Base Cleanup Teams (BCT) as either the EPA designated team member or as technical experts. EPA Regional Federal Facility programs, in conjunction with the Office of Regional Counsel, Regional National Environmental Policy Act (NEPA) teams, State environmental regulatory agencies, and DoD, have formed a BCT for each of the BRAC installations. Regions are allocated site-specific FTE and administrative dollars (payroll, site and non-site travel, expenses, administrative contracts, and working capital funds) based on installation-specific negotiations between EPA and DoD. DoD prohibits the use of BRAC resources for extramural expenses. Resource negotiations are reevaluated annually and all unfunded reimbursable FTEs are returned to a Headquarters reserve. To avoid exceeding the BRAC Program's reimbursable FTE ceiling, additional FTE needs must be approved by FFRRO.

HQ receives semi-annual program activity reports from the Regional Offices on the progress of work at existing BRAC I-IV installations. These reports are generated by the EPA Regional BRAC Cleanup Team personnel and provide HQ and DoD with pertinent program information related to cleanup and reuse. FFRRO and the Cincinnati Finance Office use IFMS, Business Objects and Financial Data Warehouse for monitoring BRAC resources. The Cincinnati Finance Office provides quarterly BRAC billing statements (by installation and funds received, expended and remaining balance) to DoD.

##### **BRAC V**

A fifth round of BRAC took place in 2005 that will affect more than 800 installations and DoD facilities. Of those, 72 are installations that are also listed on the Superfund National Priorities List (NPL). EPA's

oversight role at these NPL installations will continue regardless of the BRAC action to be taken at the facility. At the time of this guidance, EPA has been informed by DoD that BRAC V installations will not be addressed in the same manner as BRAC I - IV installations (i.e., the BRAC Fast Track Cleanup Program). Guidance on EPA's role at BRAC I-IV and BRAC V installations is available at [http://www.epa.gov/fedfac/pdf/interim\\_brac\\_guidance.pdf](http://www.epa.gov/fedfac/pdf/interim_brac_guidance.pdf)

#### **b. Accountability for Resources**

BRAC reimbursable work years and funding **must be used** only for EPA related Base Closure activities. Military Base Closure activities are activities related to cleanup of specific installations identified by OSWER (in consultation with DoD). These activities include: accelerating the identification of clean parcels under the Community Environmental Response Facilitation Act (CERFA); developing BRAC Cleanup Plans (BCP); promoting community involvement in cleanup decision making; preparing and reviewing site documents (e.g., BCP, Environmental Baseline Survey, RI/FS, RODs, RD, and RAs) and RCRA documents (e.g., RFI Starts, CMD Starts, and ISM Starts and Completions); studying and sampling field data; National Environmental Protection Act (NEPA) review and analysis; assisting DoD or States with BRAC site issues; and activities supporting EPA personnel participation in the BRAC program. These activities are outlined in the MOU between EPA and DoD dated February 3, 1994, and subsequent memorandums and guidance related to EPA BRAC resources.

As the signatory and executing agent for the reimbursable agreement with DoD, the Assistant Administrator for OSWER will rely on Regional Administrators and, as the primary focus of the EPA BRAC resources, the Regional RCRA/Superfund National Program Managers to ensure reimbursable costs are accurate and appropriate. Each region has identified an individual in the appropriate division that is responsible for coordinating the Regional BRAC program and resources, and acts as a day to day liaison with OSWER and DoD. FFRRO, within OSWER, provides the AA OSWER with programmatic and financial reviews of regions. Reprogramming of funds submitted to the OC require notification of FFRRO for their approval.

HQ and Regional personnel utilizing BRAC resources should receive authorization from their appropriate Regional senior managers and use the established BRAC budget program. The EPA Remedial Project Manager (RPM) and the support team are empowered to make decisions locally to the maximum extent possible. EPA has delegated certain authorities to the Regional Administrators (e.g., CERFA and CDR concurrence), who have in turn delegated the authorities to others within their organizations. Regional personnel should be familiar with their internal delegation of authorities. Should the need arise, the RPM and support team will have the ability to raise issues immediately to senior EPA officials for resolution.

#### **D.A.6. Cleanup Privatization at BRAC NPL Sites**

EPA recognizes that the privatization of the cleanup at BRAC sites can present an opportunity to integrate redevelopment planning with cleanup. Such privatized cleanups provides another option to Federal and state agencies and local communities to help maximize the impact of cleanup and redevelopment resources to help move properties back into productive reuse more quickly.

Privatization refers to a site where: (1) a non-Federal party will take title to BRAC property; (2) the property will be transferred using CERCLA §120(h)(3)(C) early transfer, covenant deferral authority; and (3) the transferee, rather than the military, will conduct the cleanup using funding provided by the DoD. The DoD funding to the transferee is provided through an Environmental Services Cooperative Agreement (ESCA). Other documents that are typically required for such transfers include an amendment to the existing Federal Facility Agreement. The amendment provides: that in the event the transferee defaults on the cleanup of the property or fails to meet the cleanup standards, the military is obligated to return and complete the cleanup; negotiation of an Administrative Order on Consent (AOC) with the non-Federal entity who is to be responsible for the cleanup; and the issuance of a Finding of Suitability for Early Transfer (FOSET). Importantly, the AOC provides for continuing EPA and state oversight and the reimbursement of such oversight costs. (See the April 27, 2006, Interim Guidance for EPA's Base Realignment and Closure (BRAC) Program, at pages 18-21.) Early transfer covenant deferral requests seek deferral of the CERCLA 120(h)(3)(A)(ii)(I) deed covenant that "all remedial action has been taken."



EPA has supported privatization efforts undertaken at two NPL sites, McClellan Air Force Base and Ft. Ord, both located in California. The first such privatization occurred on August 27, 2007 at the McClellan Air Force Base involving a 62 acre-parcel with the Air Force providing \$11.2 million for cleanup. Another cleanup privatization at McClellan is planned to occur in the Fall of 2008.

The second privatization is expected to occur at Ft. Ord, California, where 47 parcels will be transferred to the Fort Ord Reuse Authority (FORA). The Army is providing approximately \$100 million to FORA for cleanup of the transferred property. On April 15, 2008, EPA Region 9 granted the Army's covenant deferral request for the early transfer of approximately 3,336 acres to the Fort Ord Reuse Authority (FORA), subject to the concurrence of the Governor of California.

#### **D.A.7. Military Munitions Response Program**

Millions of acres of former munitions use or manufacturing areas have been transferred from DoD control to non-Federal entities or other Federal agencies to be used for other purposes (most of these properties now are identified as formerly used defense sites or FUDS). DoD is currently working to further define its inventory of munitions response sites (MRS) and associated acreage that are potentially contaminated. Furthermore, active military installations and installations affected by the BRAC program may have locations other than operational ranges contaminated with Munitions and Explosives of Concern (MEC) and Munitions Constituents (MC). While some MRS are fairly small (e.g., small arms ranges, burial pits and trenches), others may be dozens or even hundreds of square miles in area (e.g., former bombing ranges). In addition to MEC, these MRS may potentially have soil, ground water, and surface water contamination from MC or other sources (including explosives and heavy metals, depleted uranium, and at a small number of sites, chemical warfare agents (CWA) or chemical warfare materiel (CWM). The MC may derive from a number of sources. Such sources include: live-fire training or testing, low order detonations of munitions used in training or testing, open burning and open detonation (OB/OD) treatment/destruction activities, or munitions burial. Explosives safety (e.g., the potential for the detonation of MEC) is the principal concern during munitions response actions involving MEC.

The National Defense Authorization Act for Fiscal Year (FY) 2002 (P.L. 107-107) directed DoD to "develop and maintain an inventory of defense sites that are known or suspected to contain unexploded ordnance, discarded munitions or munitions constituents." DoD's initial inventory was published in May 2003 and is undergoing review and updates. The DoD inventory contained approximately 3,200 MRS at the end of FY 2006.

The Handbook on the Management of Munitions Response Actions (May 2005) is designed to facilitate a common understanding of the state of the art of MEC detection and munitions response, and to present EPA guidance on the management of munitions response actions. The draft EPA Munitions Response Guidelines (January 2008) have been developed to provide guidance to project managers overseeing munitions response actions at locations other than operational ranges where MEC/MC are suspected to be or have been encountered. Types of response actions include, but are not limited to, assessments, investigations and cleanups under the authorities of CERCLA, RCRA, and, where appropriate, response actions under other Federal environmental authorities, such as the Safe Drinking Water Act (SDWA). The Guidelines may be useful in situations involving enforcement, permitting, and emergency or time critical actions where MEC/MC are involved. There are several ongoing collaborative efforts with DoD, States and others to address MRS issues. These include conceptual site model guidance, explosive hazard assessment methodology, streamlining approaches for small arms characterization and remediation, training programs, quality assurance/quality control requirements, and technology evaluations.

#### **D.A.8. Stakeholder Involvement**

By Executive Order, Federal Facilities have lead responsibilities for cleanup activities, however they must follow CERCLA. This means that they are responsible for implementing the full suite of community involvement activities that Superfund performs for private sites. Federal Facilities are required to staff this function with personnel who are knowledgeable about all aspects of public participation and who are authorized to encourage and support the public in becoming involved in the cleanup decision-making process through early and meaningful community involvement activities. In its regulatory role, Superfund provides oversight of this activity, principally through its Community Involvement Coordinators (CIC). In the absence of an assigned CIC, the Superfund



Remedial Project Manager is responsible to ensure early and meaningful public participation through all cleanup stages. In particular, Superfund staff will ensure that public participation documents, like the Proposed Plan, are of the highest quality in terms of clarity, completeness, ease of use and plain language. For DoD sites, Superfund staff will participate in Restoration Advisory Boards (RAB), offer Technical Assistance Grants at least yearly, remind the DoD facility to offer their Technical Assistance for Public Participation (TAPP) program to RAB members, assure that the facility updates its mailing list and provides frequent community update fact sheets, and approximately every two years, review the Community Involvement Plan (CIP) to determine the need for an update. For Department of Energy sites, the above applies, except that the stakeholder fora are called Site-specific Advisory Boards (SSAB).

## ***D.B. OVERVIEW OF FY 08/09 FEDERAL FACILITIES TARGETS AND MEASURES***

The Superfund Comprehensive Accomplishments Plan (SCAP) is used by the Superfund National Program, the managers, the AA OSWER, OECA, and others to monitor the progress each region and the overall program is making towards achieving the Government Performance and Results Act (GPRA) targets and annual performance goals. In addition, SCAP will continue to be used as an internal management tool to project and track activities that contribute to these GPRA goals and support resource allocation.

To more clearly reflect the relationship between GPRA and the SCAP process, GPRA annual performance goals and measures and program targets and measures are defined as follows:

- *GPRA Annual Performance Goals (APG) and GPRA Annual Performance Measures (APM)* - The Agency's Annual Plan describes the specific annual performance goals, annual performance measures, and activities aimed at achieving the performance goals at NPL sites that will be carried out during the year. APGs are the specific activities that the Agency plans to conduct during the fiscal year in an effort towards achieving its long-term strategic goals and objectives identified in the EPA Strategic Plan. APMs are used by managers to determine how well a program or activity is doing in achieving milestones that have been set for the year. The annual performance goals will inform Congress and Agency stakeholders of the expected level of achievement for the significant activities covered by the GPRA objective. The goals are a subset of the overall planning and budgeting information that has traditionally been tracked by the Superfund program offices.
- *Program Targets and Measures* are activities deemed essential to tracking overall program progress. Program targets are used to identify and track the number of actions that each region is expected to perform during the year and to evaluate program progress. Program measures are used to show progress made in achieving program priorities.

FFRRO has completed OMB's Program Assessment Rating Tool (PART) to be included in the Fiscal Year 2007 Presidential budget submission. The PART was developed by OMB to assess and improve program performance so that the Federal Government can achieve better results. A result of the PART exercise was the program establishing national out-year targets through FY 2008 for its annual efficiency measure which will track the amount of program dollars spent annually by the program per each operable unit completing planned remedial activities. The program (Regions and HQ) set national goals annually for Program Targets based on historical performance and performance expectations within a limited budget for the fiscal year, and track accomplishments in the activities contributing to those goals. Regions should continue to plan and report accomplishments in CERCLIS as has been done traditionally. As part of the exercise, FFRRO was required to develop an efficiency measure which was approved by OMB.

- OMB approved the following measures for the Federal Facilities program PART: Human Exposures Under Control
- Contaminated Groundwater Migration Under Control.
- Final Remedy Selected
- Site Construction Completion
- Annual program resources per OU completing cleanup activities

The following pages contain, in pipeline order, the definitions of the FY 08/09 Federal Facilities targets and measures. Exhibit D.1 displays the full list of Federal Facilities activities that are defined in the remainder of the Appendix, and identifies the FY 08/09 targets and measures. Exhibit D.3, at the end of this Appendix, describes the planning requirements for Federal Facilities activities.

### D.B.1. Reporting of Non NPL Federal Facilities Data

Regions are responsible for entering data into CERCLIS for Non NPL Federal Facility sites, especially BRAC Sites where regions are involved. This data includes, where appropriate, FUDS, PA, SI, removals, decision documents, acres transferred, etc.

**EXHIBIT D.1. (1 OF 3) FEDERAL FACILITIES NPL SITES**

| ACTIVITY  | GPRA |     | PROGRAM |         | PART   |
|---|------|-----|---------|---------|--------|
|   | APG  | APM | Target  | Measure | Target |
| Federal Facility Agreement (FFA)/Interagency Agreement (IAG)                    |      |     |         | T       |        |
| Federal Facility Dispute Resolution   |      |     |         | T       |        |
| Use of Supplemental Environmental Projects (SEPs)                               |      |     | T       | T       |        |
| RI/FS or RCRA Facility Investigation (RFI) Starts                               |      |     |         | T       |        |
| Decision Documents  |      |     | T       |         |        |
| Final Remedy Selected   |      |     | T       |         | T      |
| ROD Amendment (count as Decision Document)                                      |      |     | T       |         |        |
| Explanation of Significant Difference (ESD) (count as Decision Document)        |      |     | T       |         |        |
| Remedial Design or RCRA Corrective Measure Design (CMD) Starts                  |      |     |         | T       |        |
| Remedial Design or RCRA Corrective Measure Design (CMD) Completion              |      |     |         | T       |        |
| RA or Corrective Measure Implementation (CMI) Starts                            |      |     | T       |         |        |
| RA or Corrective Measure Implementation (CMI) Completion                        |      |     | T       |         |        |
| Removal or RCRA Interim/Stabilization Measure (ISM) Starts                      |      |     |         | T       |        |
| Removal or RCRA Interim/Stabilization Measure (ISM) Completions                 |      |     |         | T       |        |
| Migration of Contaminated Groundwater Under Control (EI)                        | T    |     |         |         | T      |
| Long-Term Human Health Protection Indicator (EI)                                | T    |     |         |         | T      |
| Operation and Maintenance (O&M) Starts  |      |     |         | T       |        |
| OUs Construction Completion   |      |     |         | T       | T      |
| NPL Construction Completions  | T    |     |         |         | T      |
| Federal Facility Partial NPL Deletion   |      |     |         | T       |        |
| Federal Facility Final NPL Deletion   |      |     |         | T       |        |
| Federal Facility Five-Year Reviews  |      |     | T       |         |        |
| Active Restoration Advisory Boards (RABs)/Site-Specific Advisory Boards (SSABs) |      |     |         | T       |        |
| Technical Assistance Grants (TAGs)  |      |     |         | T       |        |
| Sitewide Ready for Anticipated Use  | T    |     |         |         |        |
| Protective for People Under Current Conditions                                  |      |     |         | T       |        |
| Ready for Anticipated Use   |      |     |         | T       |        |

**NOTE:** Accomplishment data is pulled from CERCLIS on a monthly basis.

**EXHIBIT D.1. (2 OF 3) FEDERAL FACILITIES BRAC SITES**

| ACTIVITY   | GPRA |     | PROGRAM |         |
|--|------|-----|---------|---------|
|  | APG  | APM | Target  | Measure |
| Federal Facility Agreement (FFA)/Interagency Agreement (IAG)       |      |     |         | T       |
| Federal Facility Dispute Resolution                                |      |     |         | T       |
| Use of Supplemental Environmental Projects (SEPs)                  |      |     |         | T       |
| RI/FS or RCRA Facility Investigation (RFI) Starts                  |      |     |         | T       |
| Decision Documents   |      |     |         | T       |
| Final Remedy Selected  |      |     |         | T       |
| ROD Amendment  |      |     |         | T       |
| Explanation of Significant Difference (ESD)                        |      |     |         | T       |
| Remedial Design or RCRA Corrective Measure Design (CMD) Starts     |      |     |         | T       |
| Remedial Design or RCRA Corrective Measure Design (CMD) Completion |      |     |         | T       |
| RA or Corrective Measure Implementation (CMI) Starts               |      |     |         | T       |
| RA or Corrective Measure Implementation (CMI) Completion           |      |     |         | T       |
| Removal or RCRA Interim/Stabilization Measure (ISM) Starts         |      |     |         | T       |
| Removal or RCRA Interim/Stabilization Measure (ISM) Completions    |      |     |         | T       |
| BRAC Construction Completions                                      |      |     |         | T       |
| Operation and Maintenance (O&M) Starts                             |      |     |         | T       |
| Federal Facility Five-Year Reviews                                 |      |     |         | T       |
| Active Restoration Advisory Boards (RABs)                          |      |     |         | T       |
| Technical Assistance Grants (TAGs)                                 |      |     |         | T       |
| Operating Properly and Successfully                                |      |     |         | T       |

**EXHIBIT D.1. (3 OF 3) FEDERAL FACILITIES NON-NPL SITES**

| ACTIVITY  | GPRA |     | PROGRAM |         |
|---|------|-----|---------|---------|
|   | APG  | APM | Target  | Measure |
| Federal Facility Agreement (FFA)/Interagency Agreement (IAG)                    |      |     |         | T       |
| RI/FS or RCRA Facility Investigation (RFI) Starts                               |      |     |         | T       |
| Decision Documents  |      |     |         | T       |
| ROD Amendment   |      |     |         | T       |
| Explanation of Significant Difference (ESD)                                     |      |     |         | T       |
| Remedial Design or RCRA Corrective Measure Design (CMD) Starts                  |      |     |         | T       |
| Remedial Design or RCRA Corrective Measure Design (CMD) Completion              |      |     |         | T       |
| RA or Corrective Measure Implementation (CMI) Starts                            |      |     |         | T       |
| RA or Corrective Measure Implementation (CMI) Completion                        |      |     |         | T       |
| Removal or RCRA Interim/Stabilization Measure (ISM) Starts                      |      |     |         | T       |
| Removal or RCRA Interim/Stabilization Measure (ISM) Completions                 |      |     |         | T       |
| Operation and Maintenance (O&M) Starts  |      |     |         | T       |
| Active Restoration Advisory Boards (RABs)/Site-Specific Advisory Boards (SSABs) |      |     |         | T       |
| Technical Assistance Grants (TAGs)  |      |     |         | T       |

**NOTE:** Definitions apply to all site categories.

**D.B.2. Federal Facilities Site Discovery/Site Assessment Definitions****a. Site Discovery**Definition:

Site discovery is the process by which a potential hazardous waste site is entered into the CERCLIS inventory for NPL assessment activities. The process typically starts when the facility has been listed on the Federal Agency Hazardous Waste Compliance Docket. NOTE: There may be instances when a facility included in the docket may not be listed in the CERCLIS database.

All sites moving through the NPL assessment process must have a Discovery action and actual completion date documented in CERCLIS. Entry of the site discovery date initiates the NPL assessment process and places the site on the FF Preliminary Assessment Review backlog.

Definition of Accomplishment:

After the region determines the Federal Facility is a valid CERCLA site, the site discovery date for Federal Facilities is the date the site is formally added to the Federal Agency Hazardous Waste Compliance Docket. The Site Name and Discovery Date must be entered into CERCLIS for sites. Valid leads for site discovery actions include: Fund-Financed (F); EPA-In House (EP); State (S), Tribal (TR); and Federal Facility (FF).

Changes in Definition FY 06/07 - FY 08/09:

None.

Special Planning/Reporting Requirements:

Actual start and planning dates are not required for the Discovery action. The Discovery date is entered through the Add Site screen. The Discovery date will automatically populate the actual completion date for the Discovery action. Regions are now required to enter information on site type at the time of discovery on the Add Site or Site Discovery/Initiation screen. Multiple discovery actions are not allowed. Site discovery is a program measure.

**Note:** There is a separate field in CERCLIS which records site initiation dates for removal-only sites. Sites that are subject only to removal interest generally do not require a discovery date. An exception is where a large scale removal action has been completed and the region seeks credit for a non-NPL site completion. Non-NPL site completions require site assessment review indicating the site has no further remedial actions planned. The discovery date for sites referred from removal to assessment should be the date the referral decision is made.

Regions are responsible for maintaining the accuracy of the non-NPL status for every non-NPL site in the CERCLIS inventory. As new actions and new dates are entered into CERCLIS, the system will ask the user to confirm or change this value as appropriate.

**b. Federal Facility Preliminary Assessment Reviews**Definition:

Federal Facility Preliminary Assessment (PA) Review is a quality assurance review of a PA or PA-equivalent report submitted by another federal agency. EPA's role at Federal Facilities is to review PA reports developed and submitted by the Federal agencies responsible for a given Federal Facility. EPA may also approve the review done by a state in lieu of its review. Upon reviewing the PA or PA-equivalent report for accuracy, completeness, and working with the other federal agency to address any deficiencies, EPA then determines what next steps are appropriate with respect to additional response action. Guidance can be found on the Federal Facilities website ([www.epa.gov/fedfac/](http://www.epa.gov/fedfac/)) entitled "Federal Facilities Remedial Preliminary Assessment Summary Guide (July 21, 2005)."

There are instances when an Abbreviated Preliminary Assessment (APA) can be performed in lieu of a standard Preliminary Assessment (PA). The October, 1999 Abbreviated Preliminary Assessment fact sheet (OSWER 9375.2-09FS) provides information on conducting APAs and includes a checklist to help site assessors determine whether an APA report is appropriate for a given site. The checklist or an equivalent

document can serve as documentation that the APA was completed. The APA checklist or equivalent report must address the requirements set forth in the NCP for conducting remedial preliminary assessments.

Once a Federal Facility site has been entered into the CERCLIS site inventory for remedial assessment, an APA may be performed if the site/release:

- is regulated under a statutory exclusion (e.g., petroleum);
- is subject to certain limitations based on definitions in CERCLA (e.g., naturally occurring substance in its unaltered form);
- can be addressed as part of another site already in CERCLIS;
- will be deferred to another program (e.g., RCRA, NRC, EPA removal) based on existing policy considerations (follow-up confirmation of the deferral is required);
- requires no further remedial assessment; or
- will require a Superfund site inspection.

*Backlogs:* The Federal Facility PA Review backlog consists of Federal Facility sites with a Non-NPL Status of FF-PA review needed or FF-PA review ongoing.

#### Definition of Accomplishment:

*Federal Facility PA Review Starts* - A Federal Facility PA Review (Action Name = Federal Facility Preliminary Assessment Review) is started when the EPA starts an in-house review of the Federal Facility PA or PA-equivalent report, or sends a letter, form, or memo to the EPA contractor requesting review of the Federal Facility PA or PA-equivalent report, and CERCLIS contains the actual PA start date (Actual Start) and a valid action lead of Fund-Financed (F) or EPA-In House (EP).

*Federal Facility PA Review Completions* - A Federal Facility PA Review (Action Name = Federal Facility Preliminary Assessment Review) is completed when:

- The appropriate Regional official signs a letter, form, or memo approving the PA report. The Federal Facility Preliminary Assessment Review actual completion date is the date the Federal Facility PA report is approved;
- CERCLIS contains the actual Federal Facility Preliminary Assessment Review completion date (Actual Complete) a lead and a decision on whether further activities are necessary in the Qualifier field; and
- The decision is documented by completing the Site Decision Form 9100-3 in CERCLIS or an equivalent document. The decision document must be printed, signed by the appropriate Regional official, and placed in the file.

A valid decision must be recorded in CERCLIS upon completion of a Federal Facility PA Review. Please refer to Exhibit A.2 in section A.A.5 for a list of valid qualifiers for this action and a description of each qualifier.

*APA Completions* - An Abbreviated Preliminary Assessment report at a Federal Facility is tracked in CERCLIS by entering a Federal Facility PA Review action and selecting APA as a critical indicator on the Federal Facility PA Review action SCAP Information screen.

#### Changes in Definition FY 06/07 - FY 08/09:

None.

#### Special Planning/Reporting Requirements:

Regions should attempt to complete PA reviews at Federal Facility sites listed in the CERCLIS inventory within a reasonable schedule upon receipt of a sufficient PA. PA review starts and completions are reported site-specifically in CERCLIS. Federal Facility Preliminary Assessment Review starts and completions are program measures. If the Federal Facility PA report does not provide sufficient information to complete the PA, the report should be referred back to the Federal Facility (SubAction Name = Referred back to Fed Fac). The date the report is referred back to the Federal Facility is entered into CERCLIS as the actual completion date (Actual Complete) of the SubAction, Referred back to Fed Fac. The actual completion date and qualifier for the Federal Facility Preliminary Assessment Review should not be entered until all the report deficiencies have been addressed.

Regions are responsible for maintaining the accuracy of the non-NPL status for every non-NPL site in the CERCLIS inventory. As new actions and new dates are entered into CERCLIS, the system will ask the user to confirm or change this value as appropriate.

APA reports are tracked in CERCLIS by entering a Federal Facility PA Review action and selecting APA as a critical indicator on the Federal Facility PA Review action SCAP Information screen.

### **c. Federal Facility SI Reviews**

#### Definition:

Federal Facility Site Inspection Review is a quality assurance review of an SI or SI-equivalent report submitted by another federal agency. EPA's role at Federal Facilities is to review SI reports developed and submitted by the federal agencies responsible for a given Federal Facility response. Upon reviewing the SI or SI-equivalent report for accuracy, completeness, and working with the other federal agency to address any deficiencies, EPA then determines what next steps are appropriate. Guidance can be found on the Federal Facilities website ([www.epa.gov/fedfac/](http://www.epa.gov/fedfac/)) entitled "Federal Facilities Remedial Site Inspection Summary Guide (July 21, 2005)."

*Backlogs:* The Federal Facility SI Review backlog consists of sites with a Non-NPL Status of FF-SI review needed or FF-SI review ongoing.

#### Definition of Accomplishment:

*Federal Facility SI Review Starts* - A Federal Facility SI Review (Action Name = Federal Facility Site Inspection Review) is started when the EPA starts an in-house review of the Federal Facility SI or SI-equivalent, and CERCLIS contains the actual SI start date (Actual Start) and a valid action lead of Fund-Financed (F) or EPA-In House (EP).

*Federal Facility SI Review Completions* - A Federal Facility SI Review (Action Name = Federal Facility Site Inspection Review) is completed when:

- The appropriate Regional official signs a letter, form, or memo approving the SI report. The Federal Facility Site Inspection Review actual completion date is the date the Federal Facility SI report is approved;
- CERCLIS contains the actual Federal Facility Site Inspection Review completion date (Actual Complete) a lead and a decision on whether further activities are necessary in the Qualifier field; and
- The decision is documented by completing the Site Decision Form 9100-3 in CERCLIS or an equivalent document. The decision document must be printed, signed by the appropriate Regional official, and placed in the file.

A valid decision must be recorded in CERCLIS upon completion of a Federal Facility SI Review. Please refer to Exhibit A.2 in section A.A.5 for a list of valid qualifiers for this action and a description of each qualifier.

#### Changes in Definition FY 06/07 - FY 08/09:

None.

#### Special Planning/Reporting Requirements:

Regions should attempt to complete SI reviews at Federal Facility sites listed in the CERCLIS inventory within a reasonable schedule upon receipt of a sufficient SI. SI review starts and completions are reported site-specifically in CERCLIS. Federal Facility Site Inspection Review starts and completions are program measures.

If the Federal Facility SI report does not provide sufficient information to complete the SI, the report should be referred back to the Federal Facility (SubAction Name = Referred back to Fed Fac). The date the report is referred back to the Federal Facility is entered into CERCLIS as the actual completion date (Actual Complete) of the SubAction, Referred back to Fed Fac. The actual completion date and qualifier for the Federal Facility Site Inspection Review should not be entered until all the report deficiencies have been addressed.

Regions are responsible for maintaining the accuracy of the non-NPL status for every non-NPL site in the CERCLIS inventory. As new actions and new dates are entered into CERCLIS, the system will ask the user to confirm or change this value as appropriate.

#### **d. Federal Facility ESI Reviews**

##### Definition:

Federal Facility Expanded Site Inspection Review is a quality assurance review of an ESI or ESI-equivalent report submitted by another federal agency. EPA's role at Federal Facilities is to review ESI reports developed and submitted by the federal agencies responsible for a given Federal Facility. Upon reviewing the ESI or ESI-equivalent report for completeness, and working with the other federal agency to address any deficiencies, EPA then determines what next steps are appropriate with respect to NPL listing.

##### *Backlogs*

The Federal Facility ESI Review backlog consists of sites with a Non-NPL Status of FF-ESI review needed or FF-ESI review ongoing.

##### Definition of Accomplishment:

*Federal Facility ESI Review Starts* - A Federal Facility ESI Review (Action Name = Federal Facility ESI Review) is started when the EPA starts an in-house review of the Federal Facility ESI or ESI-equivalent, and CERCLIS contains the actual ESI start date (Actual Start) and a valid action lead of Fund-Financed (F) or EPA-In House (EP).

*Federal Facility ESI Review Completions* - A Federal Facility ESI Review (Action Name = Federal Facility ESI Review) is completed when:

- The appropriate Regional official signs a letter, form, or memo approving the ESI report. The Federal Facility Expanded Site Inspection Review actual completion date is the date the Federal Facility ESI report is approved;
- CERCLIS contains the actual Federal Facility Expanded Site Inspection Review completion date (Actual Complete) a lead and a decision on whether further activities are necessary in the Qualifier field; and
- The decision is documented by completing the Site Decision Form 9100-3 in CERCLIS or an equivalent document. The decision document must be printed, signed by the appropriate Regional official, and placed in the file.

A valid decision must be recorded in CERCLIS upon completion of a Federal Facility ESI Review. Please refer to Exhibit A.2 in section A.A.5 for a list of valid qualifiers for this action and a description of each qualifier.

##### Changes in Definition FY 06/07 - FY 08/09:

None.

##### Special Planning/Reporting Requirements:

Regions should attempt to complete ESI reviews at Federal Facility sites listed in the CERCLIS inventory within a reasonable schedule upon receipt of a sufficient ESI. ESI review starts and completions are reported site-specifically in CERCLIS. Federal Facility Expanded Site Inspection Review starts and completions are program measures.

If the Federal Facility ESI report does not provide sufficient information to complete the ESI, the report should be referred back to the Federal Facility (SubAction Name = Referred back to Fed Fac). The date the report is referred back to the Federal Facility is entered into CERCLIS as the actual completion date (Actual Complete) of the SubAction, Referred back to Fed Fac. The actual completion date and qualifier for the Federal Facility Expanded Site Inspection Review should not be entered until all the report deficiencies have been addressed.

Regions are responsible for maintaining the accuracy of the non-NPL status for every non-NPL site in the CERCLIS inventory. As new actions and new dates are entered into CERCLIS, the system will ask the user to confirm or change this value as appropriate.

### **D.B.3. Federal Facility Accomplishment Definitions**

#### **a. Base Closure Decisions: Start and Completions**

##### Definition:

A base closure action occurs when EPA is involved in either a CERCLA Section 120(h)(4) uncontaminated parcel (Community Environmental Response Facilitation Act (CERFA))determination, a Finding of Suitability to Transfer (FOST), a Finding of Suitability to Lease (FOSL), or a determination is made by EPA that an approved remedy is Operating Properly and Successfully (OPS) at BRAC locations pursuant to CERCLA Section 120(h)(3). Under /CERCLA Section 120(h)(4), the military service must designate, and EPA/State is required to concur, on property that is uncontaminated. A FOST documents the conclusion that real property made available through the BRAC process is environmentally suitable for transfer by deed under the CERFA amendment to CERCLA. A FOSL documents that property at a BRAC location is environmentally suitable for lease, i.e., that the reuse does not impede the environmental response at the location and that the use of the property is limited to a manner which will protect human health and the environment. Under CERCLA Section 120(h)(3), before property can be transferred by deed, the military service must demonstrate to EPA that the approved remedy is operating properly and successfully.

The phrase “operating properly and successfully” involves two separate concepts: operating “properly” is used if the remedy is operating as designed; operating “successfully” is used if the operation of the remedy will achieve the cleanup levels or performance goals for the particular contaminant delineated in the decision document. Where more than one remedial action is required for a parcel, all such actions must operate properly and successfully. Therefore, EPA interprets the term “operating properly and successfully” to mean that the remedial action was engineered and implemented and is functioning in such a manner that it is expected to achieve cleanup goals and adequately protect human health and the environment.

##### Definition of Accomplishment:

Base Closure Decision Start Date: Date that a document is received by EPA that identifies a facility or a parcel as a candidate to be transferred by deed or lease (e.g., EBS submitted); or a clean parcel determination is received by EPA for concurrence as required by CERFA; or the date of the written request submitted by the other federal agency for concurrence on suitability to transfer or lease; or the date on which a written request for EPA concurrence is received that a 120(h)(3) remedy is operating properly and successfully.

Base Closure Decision Completion Date: The date the appropriate Regional official signs a letter, form, or memo stating that EPA has completed its review and provided comments or concurrence on the FOST or FOSL; or the date the appropriate Regional official signs a letter, form, or memo stating that EPA has completed its review of the demonstration that a remedy is operating properly and successfully for purposes of CERCLA section 120(h)(3); or the date the appropriate Regional official signs a letter concurring on a clean parcel identified under CERFA. In addition to entering the date of completion, also enter the acreage covered by the Base Closure Decision Document.

##### Changes in Definition FY 06/07 - FY 08/09:

None.

##### Special Planning/Reporting Requirements:

Base Closure Completions is a program measure. Base Closure Starts is a program measure. Regions may enter acreage information through the FOST or FOSL screens in CERCLIS.



**b. Non-BRAC Property Actions**Definition:

A non-BRAC property transfer action occurs when EPA has reviewed and concurred on:

*The transfer of non-BRAC property from the Federal Government under CERCLA 120(h)(3)(A):* A federal agency may request that EPA review and comment/concur on transfers under this section, however, EPA does not statutorily have to provide concurrence or comment for the transfer to occur, other than in instances where an OPS determination is required to be made prior to the transfer of deed.

*An early transfer under CERCLA 120(h)(3)(C):* For facilities listed on the NPL, EPA is required to approve the deferral of the covenant found in CERCLA 120(h)(3)(A)(ii)(I) that all remedial action necessary to protect human health and the environment has been taken before the date of transfer. The EPA Early Transfer Guidance should be used to approve such requests.

*Provided an OPS determination pursuant to CERCLA 120(h)(3):* Under CERCLA Section 120(h)(3), before property can be transferred by deed, the federal department or agency must demonstrate to EPA that the approved remedy is operating properly and successfully.

*Provided a concurrence to DOE for the lease of property on the NPL under the Hall Amendment:* Leasing of real property at DOE weapons production facilities that are either being closed or reconfigured is subject to the requirements of the Hall Amendment under the following conditions: 1) the Hall Amendment is the authority invoked for a lease, and 2) the real property to be leased is on the NPL. In these cases, DOE must request the concurrence of the EPA Regional Administrator for the proposed lease. DOE may lease if EPA concurs within 60 days or EPA fails to respond to DOE's concurrence request after 60 days. The Joint DOE/EPA Interim Policy Statement on Leasing Under the "Hall Amendment" (1998) governs these leases.

*Made a CERCLA 120(h)(4) uncontaminated parcel determination:* Under the CERFA amendment to CERCLA Section 120(h)(4), the federal department or agency must designate, and EPA is required to concur, on property that is a part of a facility listed on the NPL that is uncontaminated. For property not closed or realigned pursuant to a base closure law, the identification and concurrence is required to be made at least 6 months before the termination of operations on the facility.

Definition of Accomplishment:

Non-BRAC Property Action Start Date: Date of a written request submitted by the other federal agency for EPA concurrence on suitability to transfer, including early transfers, or lease; or a clean parcel determination is received by EPA for concurrence as required by CERFA; or, the date on which a written request for EPA concurrence is received that a 120(h)(3) remedy is operating properly and successfully.

Non-BRAC Property Action Completion Date: The date the appropriate regional official signs a letter, form, or memo stating that EPA has completed its review and provided comments or concurrence on the transfer or leasing document(s); or the date the appropriate regional official signs a letter, form, or memo stating that EPA has completed its review of the demonstration that a remedy is operating properly and successfully for purposes of CERCLA section 120(h)(3); or the date the appropriate regional official signs a letter concurring on a clean parcel identified under CERFA. In addition to entering the date of completion, also enter the acreage covered by the property action.

**c. Federal Facility Agreement (FFA)/Interagency Agreement (IAG)**Definition:

FFAs/IAGs are legal agreements between federal agencies responsible for cleanup, EPA, and the States. A State elects whether to participate in FFA/IAG negotiations. FFA/IAGs set forth detailed requirements for performance of site response activities as well as appropriate enforcement responses to non compliance with the FFA/IAG. The FFA/IAG requirement is set forth in Section 120(e) of CERCLA. They are required at NPL facilities no later than 6 months after the first ROD is signed at the facility.

Definition of Accomplishment:

*F FA/IAG Start Date:* Date notice letter is sent by EPA to the Federal Facility, reported in CERCLIS as the actual start date (Actual Start) of FFA/IAG negotiations (Action Name = IAG Negotiation).

*FFA/IAG Completion Date:* Latter of the dates that the federal agency, EPA, and/or State sign the FFA/IAG, or the date the Letter of Intent to sign an IAG is signed by all parties. This date must be reported in CERCLIS as the actual completion date (Actual Complete) of the FFA/IAG (Action Name = Federal Interagency Agreements).

Changes in Definition FY 06/07 - FY 08/09:

None

Special Planning/Reporting Requirements:

FFA/IAG starts will be tracked as IAG negotiations (Action Name = IAG Negotiation). FFA/IAG completions will be tracked as the completion (Actual Complete) of the FFA/IAG (Action Name = Federal Interagency Agreement). For those FFAs/IAGs that are elevated for dispute resolution, record the date elevated as the actual completion date of the SubAction 'IAG Dispute Admin Referral' and not as the FFA/IAG completion date. Regions do not receive credit for FFA/IAG completion when the FFA/IAG is elevated to HQ for dispute resolution. This is a Program Measure.

**d. Federal Facility Dispute Resolution**

Definition:

When the federal agency, state, and/or EPA make an effort to formally or informally resolve a FFA/IAG dispute after the FFA/IAG is signed.

Definition of Accomplishment:

*Dispute Resolution Start Date:* Date that any party to the FFA/IAG sends a letter to the other parties notifying them as to the issue in dispute. This is reported in CERCLIS as the actual start date (Actual Start) of dispute resolution (Action Name = Alternative Dispute Resolution).

*Dispute Resolution Completion Date:* Date the document resolving the issue is signed (e.g., letter of agreement, agreement document). This is reported in CERCLIS as the actual completion date (Actual complete) of dispute resolution (Action Name = Alternative Dispute Resolution).

Changes in Definition FY 06/07 - FY 08/09:

None

Special Planning/Reporting Requirements:

Federal Facility Dispute Resolution is reported in CERCLIS as Alternative Dispute Resolution (Action Name = Alternative Dispute Resolution) with a Federal Facility (FF) lead. This is a program measure.

**e. Use of Supplemental Environmental Projects (SEPs)**

Definition:

SEPs are environmentally beneficial projects which a federal agency agrees to undertake to mitigate a monetary penalty, but which the violator is not otherwise legally required to perform. The SEP could be for public health, pollution prevention, pollution reduction, environmental restoration and protection, assessments and audits, environmental compliance promotion, emergency planning and preparedness, or other program-specific projects.

Definition of Accomplishment:

The date of agreement between EPA and a federal agency to implement a SEP is reported in CERCLIS as the SubAction 'Supplemental Envir Projects.' Actions a SEP can be associated with include AOCs, Consent Decrees, RCRA CMDs, and UAOs. The estimated dollar value of the SEP must also be entered.

Changes in Definition FY 06/07 - FY 08/09:

None

Special Planning/Reporting Requirements:

This is a program measure. Both the number of SEPs and their estimated value will be tracked. The estimated value of the SEP is reported on the Penalty/SEP screen in the Federal facilities module in CERCLIS.

**f. Remedial Investigation/Feasibility Study (RI/FS) or RCRA Facility Investigation (RFI) Starts**Definition:

The RI/FS is a CERCLA investigation designed to characterize the site, assess the nature and extent of contamination, evaluate potential risks to human health and the environment, and develop and evaluate potential remedial alternatives. A RFI is a RCRA investigation designed to evaluate thoroughly the nature and extent of the release of hazardous wastes and hazardous constituents and to gather necessary data to support the Corrective Measure Study (CMS) and/or Interim/Stabilization Measure (ISM).

Definition of Accomplishment:

The RI/FS (Action Name = FF RI/FS or FF RI) or RFI (Action Name = RCRA Facility Investigation) start is defined as follows:

- Sites where there has been no RI/FS or RFI work started prior to the effective date of the FFA/IAG, the actual start date (Actual Start) is the EPA or State receipt of a draft work plan for the RI/FS or RFI; or
- Sites where RI/FS or RFI work has been started prior to the FFA/IAG effective date and there has been substantial EPA or State involvement (EPA or the State has reviewed and commented, approved/concurred, or accepted the work plan), the actual start date (Actual Start) is also the date of receipt of a draft RI/FS or RFI work plan (Note: this date will be prior to IAG completion date); or
- Sites where RI/FS or RFI work starts prior to the FFA/IAG effective date and there has been limited EPA or State involvement, the date of the RI/FS or RFI actual start date (Actual Start) is the latter date that EPA or the State and the other agency sign the FFA/IAG.

Changes in Definition FY 06/07 - FY 08/09:

None

Special Planning/Reporting Requirements:

This is a program measure.

**g. Timespan from Final NPL Listing To RI/FS**Definition:

Superfund Amendments and Reauthorization Act (SARA) Section 120(e) states, "not later than six months after the inclusion of any facility on the NPL, the department, agency, or instrumentality shall commence an RI/FS for such facility." This measure calculates the days and the time frame from final NPL Listing to the first RI/FS start. Sites with time frames greater than 180 days will be deemed not to have met this requirement.

Definition of Accomplishment:

This measure will calculate, by site, the interval between final NPL listing (publication of final listing in the *Federal Register*) and the actual date for the first RI/FS start. The timespan will be calculated based on the RI/FS start definition outlined above and the final NPL listing (Action Name = Final Listing on NPL) actual completion date (Actual Complete).

Changes in Definition FY 06/07 - FY 08/09:

None.

Special Planning/Reporting Requirements:

This is a Management reporting tool. Data in CERCLIS will be used to calculate the timespan on an annual basis. HQ will perform the analysis at the end of the fiscal year.

**h. Decision Documents**

Definition:

Upon completion of a Federal Facility RI/FS, CMS, or Engineering Evaluation/Cost Analysis (EE/CA), the federal agency selects a remedy that is presented in a cleanup decision document (e.g., ROD, RCRA Statement of Basis/Response to Comments, Action Memo, Removal Action Decision Document, ROD Amendment or Explanation of Significant Differences (ESD)). EPA may either approve or concur on the remedy selection or, in the case of a dispute, EPA may select the remedy. For EPA, this authority has been delegated to the Regional Administrator or her/his delegate.

Definition of Accomplishment:

Date (Actual Complete) the ROD (Action Name = Record of Decision), the appropriate RCRA Statement of Basis/Response to Comments (Action Name = RCRA SB/RTC), Action Memo (Action Name = Record of Decision and SubAction Name = Approval of Action Memo), Removal Action Decision Document (Action Name = Removal Action Decision Doc), ROD Amendment (Action Name = Record of Decision and SubAction Name = ROD Amendment) or Explanation of Significant Differences (Action Name = Record of Decision and SubAction Name = Explanation of Significant Diff) or is signed by the Regional Administrator or delegate, or the date of EPA concurrence/approval on the clean-up decision document pursuant to FFA/IAG or other enforceable decision document, or the date of EPA's letter of concurrence.

Changes in Definition FY 06/07 - FY 08/09:

None.

Special Planning/Reporting Requirements:

The ROD Completion date is the same as the RI/FS completion date. The EE/CA completion date is the same as the Action memo or Removal Action Decision Document completion date. The date of the RCRA Corrective Measure Decision document is the CMS Completion date. This is a program target.

Note: One ROD document equals one ROD target completion, even if the ROD covers multiple OUs (in addition, the pipeline action ends after a No Action ROD, do not enter RA Start or Completion dates for a No Action ROD).

**i. Final Remedy Selected**

Definition:

This measure will track the Final Remedy Selected at NPL Sites. Final Remedy Selected documents will also be tracked in CERCLIS for non-NPL sites but will not be reported to respond to the GPRA goal. A Final Remedy Selected occurs when a final decision has taken place at a site (i.e. the final remedy has been selected at the last OU for a site). This can include the signature of the final ROD, ROD Amendment or Removal Action at a site. Sites which are Construction Complete or sites deleted from the NPL may also be eligible for a Final Remedy Determination. In general, Explanation of Significant Differences (ESD) will not constitute a Final Remedy Selected since ESDs document a non-fundamental change to a remedy. Also, a partial deletion from the NPL does not constitute a Final Remedy Selected since it does not constitute a final decision for the entire site.

Definition of Accomplishment:

Credit under CERCLA for a Final Remedy Selected is received when:

- A site has a Final ROD or ROD Amendment and no existing planned ROD, ROD Amendment, Removal Action Memorandum, RI/FS or EE/CA. The date the designated Regional Official or the AA OSWER signs the ROD at a site for each RA is reported in CERCLIS as the ROD (Action Name = Record of Decision) completion date (Actual Complete); or
- Site has a Removal Action Memorandum and no existing planned ROD, RI/FS, EE/CA or planned action memorandum.
- Site is Construction Complete as documented by the actual completion date (Actual Complete) of the Preliminary Close-Out Report (Action Name = Prelim Close-Out (PCOR) Rep Prepared), or the actual completion date (Actual Complete) of the Final Close-Out Report (Action Name = Close-Out Report) and HQ has entered the Construction Completion indicator in CERCLIS and no future ROD, ROD Amendment, Action Memorandum, RI/FS or EE/CA is planned. (The Final Remedy Selected designation may only be applied to the PCOR if there is no previous ROD, ROD Amendment, or Action Memorandum that constitutes the final decision.)
- Site has been deleted from the NPL (Action Name = Final Deletion from NPL), which is documented when the Notice of Deletion is published in the Federal Register and no future ROD, ROD Amendment, Action Memorandum, RI/SF or EE/CA is planned. (The Final Remedy Selected designation may be applied to the Final Notice of Deletion if there is no PCOR and if there is no previous ROD, ROD Amendment or Action Memorandum that constitutes the final decision.)

Changes in Definition FY 06/07 - FY 08/09:

None.

Special Planning/Reporting Requirements:

This is a program target.

**j. ROD Amendments**

Definition:

A ROD Amendment documents fundamental changes to the remedy selected in the ROD. Fundamental changes involve an appreciable change or changes in the scope, performance, and/or cost or may be a number of significant changes that together have the effect of a fundamental change.

Definition of Accomplishment:

ROD Amendment: the date (Actual Complete) the ROD Amendment (Action Name = Record of Decision and SubAction Name = ROD Amendment) is signed by the Regional Administrator or delegate, or the date of EPA concurrence/approval on the cleanup decision document pursuant to FFA/IAG or other enforceable decision document, or the date of EPA's letter of concurrence.

Changes in Definition FY 06/07 - FY 08/09:

None.

Special Planning/Reporting Requirements:

ROD Amendments count towards the Program Target for Decision Documents.

**k. Explanation of Significant Differences (ESD)**

Definition:

An Explanation of Significant Differences (ESD) documents significant changes to a Record of Decision (ROD). Significant changes generally involve a change to a component of a remedy that does not fundamentally alter the overall cleanup approach.

Definition of Accomplishment:

Explanation of Significant Differences: the Date (Actual Complete) the ESD (Action Name = Record of Decision and SubAction Name = Explanation of Significant Diff) is signed by the Regional Administrator

or delegate, or the date of EPA concurrence/approval on the clean-up decision document pursuant to FFA/IAG or other enforceable decision document, or the date of EPA's letter of concurrence.

Changes in Definition FY 06/07 - FY 08/09:

None.

Special Planning/Reporting Requirements:

ESDs count towards the Program Target for Decision Documents.

**l. Remedial Design (RD) or RCRA Corrective Measure Design (CMD)**

Definition:

The RD is a CERCLA design that establishes the general size, scope, and character of a project, and details and addresses the technical requirements of the RA selected in the ROD. The RD may include, but is not limited to, drawings, specification documentation, and statement of bidability and constructability. The CMD is a RCRA design that establishes the general size, scope, and character of a project, and details and addresses the technical requirements of the CMD selected in the RCRA Corrective Measure decision document. The CMD may include, but is not limited to, drawings, specification documentation, and statement of bidability and constructability. A RD or CMD is complete when the plans and specifications for the selected remedy are developed and approved.

Definition of Accomplishment:

*RD Start* - If post-ROD, the RD (Action Name = FF RD) or CMD (Action Name = Corrective Measure Design) start date (Actual Start) is the date of submission of the RD or CMD work plan or other appropriate documents or statement of work. If work begins prior to the ROD, the RD or CMD actual start date (Actual Start) will be the ROD signature date or submission date of RD or CMD work plan or any other major deliverable (e.g., 30% design complete).

*RD Completion* - RDs and CMDs are considered complete the date a letter is signed by the appropriate Regional official approving the entire final RD or CMD package. If EPA does not approve the final RD or CMD package, the RD or CMD is considered complete the date of the Commerce Business Daily (CBD) or other appropriate publication requesting bids on the final RD or CMD package. This date is reported in CERCLIS as the actual completion date (Actual Complete) of the RD (Action Name = FF RD) or CMD (Action Name = Corrective Measure Design).

Changes in Definition FY 06/07 - FY 08/09:

None.

Special Planning/Reporting Requirements:

This is a SCAP reporting measure. RD or CMD starts and completions are reported site specifically (Action Name = FF RD or Corrective Measure Design) in CERCLIS.

**m. Duration of ROD to IAG Negotiation Completion**

Definition:

The objective of this measure is to focus attention on the statutory requirement for an IAG to be entered into within 180 days after signature of the ROD. SARA Section 120(e) (2) states that "within 180 days (after signature of the ROD), the head of the department, agency, or instrumentality concerned shall enter into a IAG with the administrator for the expeditious completion by such department, agency, or instrumentality of all necessary remedial action at such facility." This measure tracks compliance against the CERCLA Section 120 statutory requirements.

Definition of Accomplishment:

The duration of ROD to IAG will be calculated based on the actual completion date of the ROD (Action name = Record of Decision) and the latter of the dates that the federal agency, EPA, and/or State sign the

IAG, or the date the Letter of Intent to sign an IAG is signed by all parties, as reported in CERCLIS as the actual completion (Actual Completion) of FFA/IAG negotiations (Action Name = IAG Negotiation).

Changes in Definition FY 06/07 - FY 08/09:

None

Special Planning/Reporting Requirements:

This is a Management reporting tool. Data in CERCLIS will be used to calculate the timespan on a semi-annual basis. HQ will perform the analysis.

**n. Remedial Action (RA) or RCRA Corrective Measure Implementation (CMI) Starts**

Definition:

A RA or CMI is the implementation of the remedy selected in the ROD or appropriate RCRA corrective measure decision document at NPL sites to ensure protection of human health and the environment.

Definition of Accomplishment:

Date on which substantial, continuous, physical, on site, remedial actions begin (pursuant to SARA Section 120(e)) as documented by a memo or letter to EPA. This date is reported in CERCLIS as the actual RA (Action Name = FF RA) or CMI (Action Name = Corrective Measure Implementation) start date (Actual Start).

Changes in Definition FY 06/07 - FY 08/09:

None

Special Planning/Reporting Requirements:

This is a program measure. RA or CMI starts are reported site specifically (Action Name = FF RA or Corrective Measure Implementation) in CERCLIS.

**o. Timespan from ROD Signature to RA Start**

Definition:

The objective of this measure is to focus attention on the statutory requirement for an RA start within 15 months of the ROD signature.

SARA Section 120(e) states that “substantial, physical, on site remedial action shall be commenced at each Federal Facility no later than 15 months after completion of the investigation and study.” This measure tracks compliance against the CERCLA Section 120 statutory requirements.

Definition of Accomplishment:

This measure will look at federal agency performance by comparing the average timespan from ROD signature to RA start for all sites where a RA actually started in FY 08/09. Sites exceeding the 15 month requirement will be identified. Comparisons will be made to previous Agency performance to determine trends.

The durations will be calculated using the actual ROD (Action Name = Record of Decision) completion date (Actual Complete) and the actual RA (Action Name = FF RA) start date (Actual Start) in CERCLIS. The ROD signature and RA start definition contained in Decision Documents and RA or Corrective Measure Construction Starts, respectively, will be used in the analysis.

Changes in Definition FY 06/07 - FY 08/09:

None.

Special Planning/Reporting Requirements:

This is a Management reporting tool. Data in CERCLIS will be used to calculate the timespan on a semi-annual basis. HQ will perform the analysis.

**p. RA or CMI Completions**

Definition:

A RA or CMID is complete when construction activities are complete, a final inspection has been conducted, and an interim or final RA Report or appropriate CMI reporting vehicle has been prepared and approved by EPA in writing. This report summarizes site conditions and construction activities. Note: This date may be later than 12 0(h)(3) BRAC requirements for base closure.

Definition of Accomplishment:

The RA or CMI is complete the date that the designated Regional official (Branch Chief or above, as determined by the EPA Region) approves in writing the interim or final RA Report or signs the interim or final report or appropriate CMI reporting vehicle for the RA or CMI that documents the completion of construction activities. In lieu of a report from the contractor's construction manager, the region must prepare a report to document the completion. The approval can be provided with an appropriate signature on the RA Report cover sheet or by letter to the originator of the RA Report. The appropriate date must be recorded in CERCLIS as the actual completion date (Actual Complete) of the RA (Action Name = FF RA) or CMI (Action Name = Corrective Measure Implementation).

An action qualifier must be entered into CERCLIS indicating the RA was completed via an Interim or Final RA Report (Action Qualifier = Interim RA or Final RA).

Interim Remedial Action Report

Criteria for approval of the Interim Remedial Action Report are:

- The remedy includes groundwater or surface water restoration, with active treatment or natural attenuation, to reduce contaminant concentrations to meet cleanup goals and cleanup goals have not been achieved;
- The construction of the treatment and/or monitoring system is completed and the system is operating as intended;
- If the RA includes remedy components other than groundwater, construction activities are complete and cleanup goals specified in the ROD have been achieved for these components;
- A contract final inspection or equivalent has been conducted;
- Institutional controls, if applicable, are in place; and
- The Interim Remedial Action Report contains the information described in "Close Out Procedures for National Priorities List Sites."

**Note:** When an Interim RA Report is prepared as indicated above, a Final RA Report is later required once cleanup goals for the groundwater or surface water restoration are achieved.

Final Remedial Action Report

Criteria for approval of the Final Remedial Action Report are:

- All construction activities are complete, including site restoration and demobilization;
- All cleanup goals specified in the ROD have been achieved, including ground and surface water restoration;
- A contract final inspection or equivalent has been conducted;
- Institutional controls, if applicable, are in place; and
- The Final Remedial Action Report contains the information described in "Close Out Procedures for National Priorities List Sites."

The following table provides examples of Remedial Actions and indicates when Remedial Action Completion can be achieved.

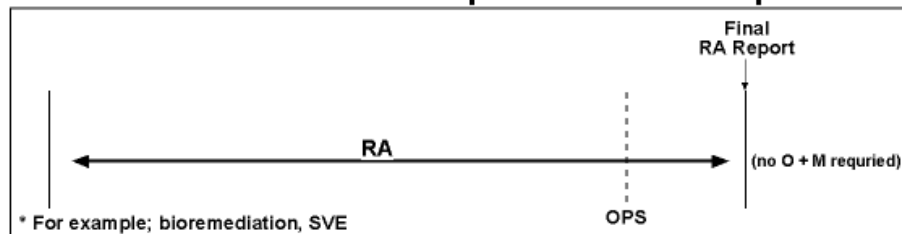


### Remedial Action Completion Examples

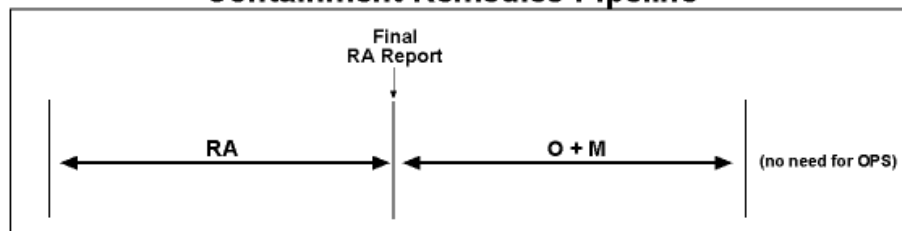
| Example RA   | RA Complete   |
|--|---|
| Excavation and off-site disposal of contamination.   | After all wastes have been excavated, removed from the site to an approved location, site has been restored, cleanup goals have been achieved, and the Final RA Report is approved. Since wastes have been removed, no O&M activities for this remedy are expected. |
| On-site treatment of wastes, other than groundwater or surface water, to achieve cleanup goals (e.g., soil vapor extraction, bioremediation, incineration).  | After cleanup goals have been achieved for the treated wastes, site has been restored, and the Final RA Report is approved. Since wastes have been treated to achieve cleanup levels, no O&M activities for this remedy are expected.                               |
| Containment remedies (e.g., caps, flood/erosion control measures, barrier walls, leachate collection/treatment measures, groundwater measures to capture or prevent migration of plume, or surface water interception/diversion measures). | After construction of the designed remedy is complete, cleanup goals have been achieved, and the Final RA Report is approved. O&M activities follow.  |
| Groundwater and surface water restoration remedies that involve active treatment to reduce contaminant concentrations to meet cleanup goals.   | After construction of the treatment plant and monitoring system are completed, the plant/system is operating as intended, and the Interim RA Report is approved. O&M activities follow. The Final RA Report is prepared when cleanup levels are achieved.           |
| Groundwater and surface water restoration remedies where restoration is later determined to be technically impracticable (TI waiver).  | After ROD Amendment has documented the TI waiver, other cleanup goals have been achieved and Final RA Report is approved. O&M activities may follow if further monitoring is needed.  |

### EXHIBIT D.2. REMEDIAL PIPELINE FLOW CHARTS

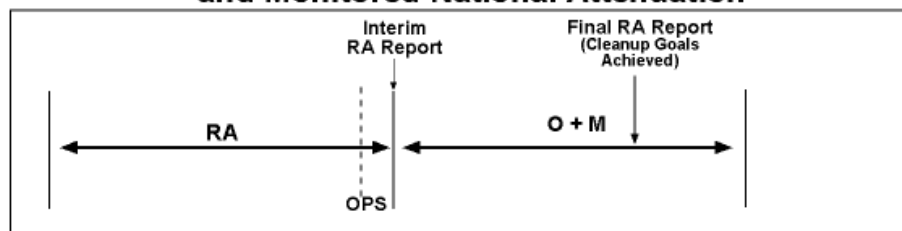
#### Treatment and Off-site Disposal Remedies Pipeline



#### Containment Remedies Pipeline



#### Ground Water and Surface Water Restoration Pipeline and Monitored Natural Attenuation



OPS= Operating Properly & Successfully and applies only to BRAC sites.

Changes in Definition FY 06/07 - FY 08/09:

None

Special Planning/Reporting Requirements:

This is a program target. RA or CMI (Action Name = FF RA or Corrective Measure Implementation) completions are reported site specifically in CERCLIS. An action qualifier must be entered into WateLAN indicating the RA was completed via an Interim or Final RA Report (Action Qualifier = Interim RA or Final RA).

**q. Removal or RCRA Interim/Stabilization Measure (ISM) Starts and Completions**Definition:

Removal actions are defined as the cleanup or removal of released hazardous substances from the environment, and the necessary actions taken in the event of the threat of release of hazardous substances into the environment. ISMs are defined as RCRA removal actions that are intended to abate threats to human health and the environment from releases and/or to prevent or minimize the further spread of contamination while long term remedies are pursued. Regions need to report removal actions conducted in response to emergency, time critical, and non time critical (NTC) situations at BRAC, non NPL or NPL sites. Under the Defense Environmental Restoration Program (DERP), DoD is required to notify EPA of its removal actions. Long term O&M should not be conducted under the removal.

Definition of Accomplishment:

*Removal/ISM Start Date:* Date the federal agency begins actual on site removal work, or the date of Action Memorandum signature, or the date the lead federal agency provides notice to EPA, or other decision document signature/approval. The date must be reported in CERCLIS as the actual start date (Actual Start) of the removal (Action Name = FF Removal) or ISM (Action Name = RCRA Interim/Stabilization Measure).

*Removal/ISM Completion Date:* Actual date the federal agency has demobilized and notified EPA, completing the scope of work delineated in the Action Memorandum or other decision document. The date must be reported in CERCLIS as the actual completion date (Actual Complete) of the removal (Action Name = FF Removal), or ISM (Action Name = RCRA Interim/Stabilization Measure).

Changes in Definition FY 06/07 - FY 08/09:

None

Special Planning/Reporting Requirements:

See Definition of Accomplishment. Removal or RCRA ISM starts is a program measure; Removal or RCRA ISM completions is a program measure.

**r. Migration of Contaminated Ground Water Under Control**Definition:

The Migration of Contaminated Ground Water Under Control indicator assesses whether ground water contamination is below protective, risk-based levels or, if not, whether the migration of contaminated ground water is stabilized and there is not unacceptable discharge to surface water and monitoring will be conducted to confirm that affected ground water remains in the original area of contamination. This indicator is limited to sites with known past and/or present ground water contamination.

Definition of Accomplishment:

The criteria for determining if ground water migration is controlled are found in the Migration of Contaminated Ground Water Under Control Survey (refer to Exhibit D.3), the Superfund Environmental Indicators Guidance Human Exposures Revisions (March 2008) ([http://www.epa.gov/superfund/accomp/ei/pdfs/final\\_eiguidance\\_march\\_2008.pdf](http://www.epa.gov/superfund/accomp/ei/pdfs/final_eiguidance_march_2008.pdf)), the Long-Term Human Health Protection Data Quality Objectives document, and on the Superfund Environmental Indicators Website.

Changes in Definition FY 06/07 - FY 08/09:

None.

Special Planning/Reporting Requirements:

The Migration of Contaminated Ground Water survey must be completed and/or reviewed by October 7 of each year in CERCLIS to reflect the status at each site as of the end of the prior fiscal year (Program Management/ Environmental Indicators).

### EXHIBIT D.3. SUPERFUND MIGRATION OF CONTAMINATED GROUND WATER UNDER CONTROL WORKSHEET

**Definition:** Is the migration of contaminated ground water from the site being controlled through engineered or natural processes?

Region: \_\_\_\_\_

State: \_\_\_\_\_

EPA ID: \_\_\_\_\_

Site Name: \_\_\_\_\_

|   |  |  |
|---|--|--|
| Does or did the site have contaminated ground water?                    |  | No → STOP, you do not need to complete the GM EI |
| ↓ Yes   |  |  |
| Insufficient Data   | <b>Step 1.</b> Based on the most current data on the site, has all available relevant/significant information on known and reasonably suspected releases to the ground water been considered in this EI determination?<br>Explain Rationale: _____<br>List Site Reference Document: _____  |  |
|   | ↓ Yes  |  |
| Insufficient Data   | <b>Step 2.</b> Is ground water known or reasonably suspected to be “contaminated” above appropriately protective risk-based “levels” (applicable promulgated standards, as well as other appropriate standards, guidelines, or criteria) as a result of a release from the site?<br>Explain Rationale: _____<br>List Site Reference Document: _____  | No → <b>YES, Site Does Meet Definition</b>       |
|   | ↓ Yes  |  |
| Insufficient Data   | <b>Step 3.</b> Is the migration of contaminated ground water stabilized (such that contaminated ground water is expected to remain within “existing area of contaminated ground water”) as defined by the monitoring locations designated at the time of this determination?<br>Explain Rationale: _____<br>List Site Reference Document: _____  | No → <b>NO, Site Does Not Meet Definition</b>    |
|   | ↓ Yes  |  |
| Insufficient Data   | <b>Step 4.</b> Does “contaminated” ground water discharge into surface water bodies?<br>Explain Rationale: _____<br>List Site Reference Document: _____  | No → <b>NO, Site Does Not Meet Definition</b>    |
|   | ↓ Yes  |  |
| Insufficient Data   | <b>Step 5.</b> Can the discharge of “contaminated” ground water into surface water be shown to be “currently acceptable” as defined (i.e, not cause unacceptable impacts to surface water, sediments, or ecosystems that should not be allowed to continue until a final remedy decision can be made and implemented)?<br>Explain Rationale: _____<br>List Site Reference Document: _____    | No → <b>NO, Site Does Not Meet Definition</b>    |
|   | ↓ Yes  |  |
| Insufficient Data   | <b>Step 6.</b> Will ground water monitoring/measurement data (and surface water/sediment/ecological data as necessary) be collected in the future to verify that contaminated ground water has remained within the horizontal (or vertical, as necessary) dimensions of the “existing area” of contaminated ground water?<br>Explain Rationale: _____<br>List Site Reference Document: _____ | No → <b>NO, Site Does Not Meet Definition</b>    |
|   | ↓ Yes  |  |
| <b>INSUFFICIENT DATA, More Information Needed to Make Determination</b> |  | <b>YES, Site Does Meet Definition</b>            |

**s. Long-Term Human Health Protection Indicator**Definition:

The Long-Term Human Health Protection indicator documents the progress achieved towards providing long-term human health protection by measuring the incremental progress achieved in controlling unacceptable human exposures at a site. "Unacceptable human exposures" are potential exposures associated with complete human exposure pathways that present an unacceptable risk - pathways by which an individual could reasonably be exposed to a hazardous substance, pollutant, or contaminant at levels that could result in injury, disease, or death. Unacceptable human exposures can be controlled by:

- Reducing the level of contamination associated with complete exposure pathways to the point where the exposure is no longer "unacceptable" and
- Controlling or eliminating contaminant migration to human receptors, preventing human receptors from contracting contaminants in-place, or controlling human receptor activity patterns (e.g., by reducing the potential frequency or duration of exposure).

The Progress Categories that describe the level of incremental human health protection achieved at a site are as follows:

- Insufficient data to determine human exposure control status;
- Current human exposures not controlled;
- Current human exposures controlled;
- Current human exposures controlled and protective remedy in place; and
- Long-term human health protection achieved.

Definition of Accomplishment:

The criteria for determining the status of long-term human health protection at a site are found in the Superfund Environmental Indicators Guidance Human Exposures Revisions (March 2008) ([http://www.epa.gov/superfund/accomp/ei/pdfs/final\\_eiguide\\_march\\_2008.pdf](http://www.epa.gov/superfund/accomp/ei/pdfs/final_eiguide_march_2008.pdf)), the Long-Term Human Health Protection Data Quality Objectives document, and on the Superfund Environmental Indicators Website.

Changes in Definition FY 06/07 - FY 08/09:

None.

Special Planning/Reporting Requirements:

For Federal facility NPL sites this is a GPRA APG. The Long-Term Human Health Protection worksheet must be completed in CERCLIS and/or reviewed by October 7 of each year to reflect the status at each site as of the end of the prior fiscal year (Program Management/Environmental Indicators).

**EXHIBIT D.4. SUPERFUND HUMAN EXPOSURE EVALUATION FLOWCHART**

## Human Exposure Evaluation Flowchart

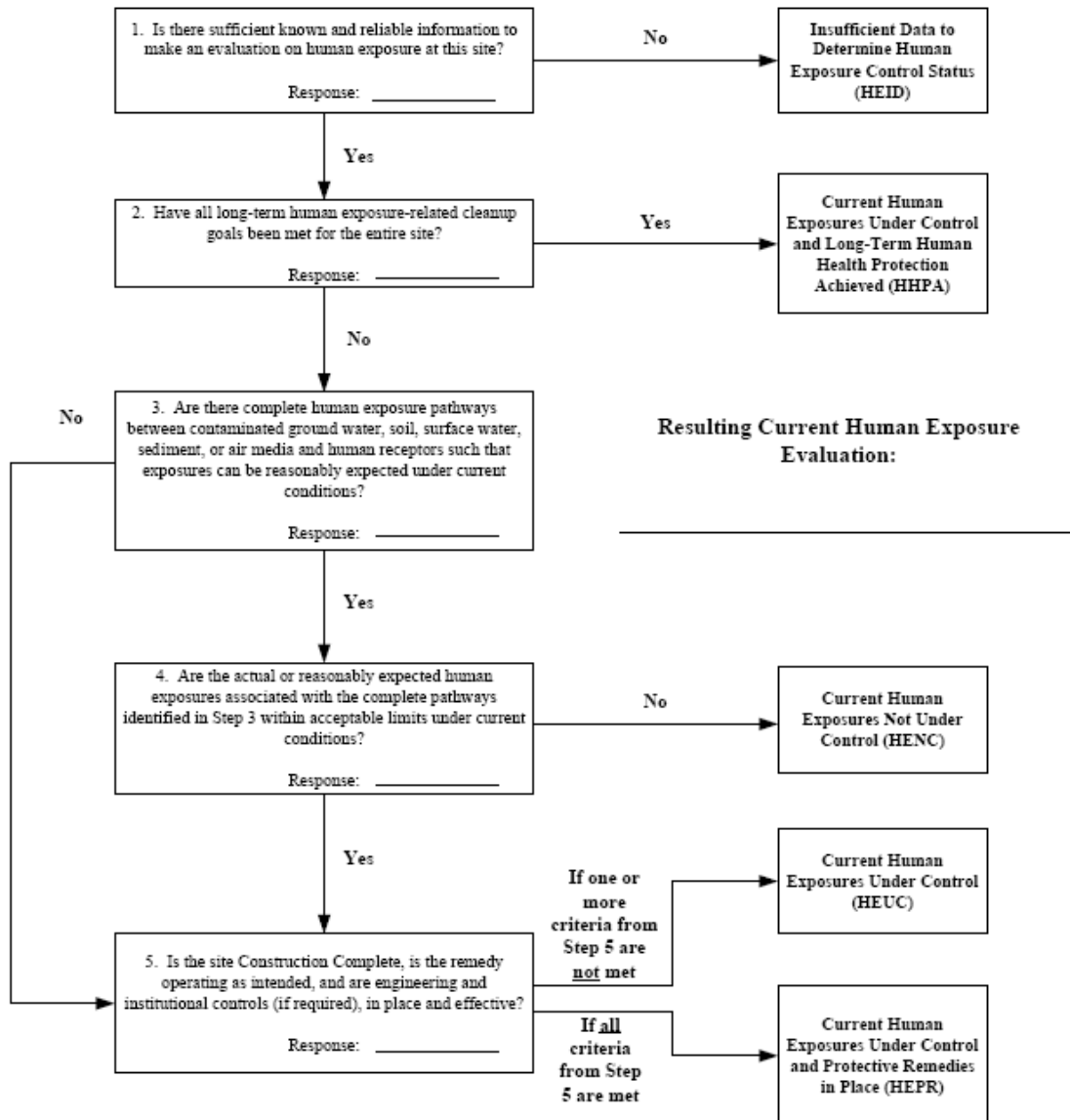
Site Name: \_\_\_\_\_

Date: \_\_\_\_\_ Estimated Current HE Under Control Date: \_\_\_\_\_

Estimated Current LTHHP Under Control Date: \_\_\_\_\_ RPM Certified: ☐

Exposure Paragraph for HE "Not Under Control" or "Insufficient Data" Sites is Entered in CERCLIS?

Yes: \_\_\_\_\_ (date) No: \_\_\_\_\_



**t. Operation and Maintenance (O&M)**

Definition:

O&M are the activities required to maintain the effectiveness or integrity of the remedy including institutional controls. Except in the case of groundwater or surface restoration remedies, including monitored natural attenuation, O&M measures are initiated after cleanup goals are achieved, and the remedy is operating as intended. In the case of groundwater or surface water restoration remedies, including monitored natural attenuation, O&M measures are initiated when the remedy is operating as intended.

O&M (Action Name = Operations and Maintenance) starts when the designated EPA Regional Official (Branch Chief or above, as determined by the EPA region) approves in writing the Interim or Final Remedial Action Report.

Where appropriate, the completion of O&M is defined as the date (actual complete) specified in the FFA/IAG. If O&M must be conducted indefinitely, regions should not enter as actual completion date.

Changes in Definition for FY 06/07 - FY 08/09:

None.

Special Planning/Reporting Requirements:

This is a program measure.

**u. Cleanup Objectives Achieved**

Definition:

This measure is used to indicate when cleanup objectives are achieved for groundwater and surface water restoration, including monitored natural attenuation. It tracks achievement of cleanup objectives for these remedies because they have not yet achieved cleanup objectives at Remedial Action completions.

Definition of Accomplishment:

Cleanup objectives are achieved when the designated Regional Official (Branch Chief or above) approves in writing the Final Remedial Action Report. This report should update information previously prepared in the Interim Remedial Action Report. For more detailed information, see OSWER Directive 9320.2-09A-P, "Close Out Procedures for Completion and Deletion of National Priorities List Sites."

Changes in Definition FY 06/07 - FY 08/09:

None.

Special Planning/Reporting Requirements:

Cleanup Objectives Achieved is planned on an action specific basis (Action Name = Operations & Maintenance and SubAction Name = Cleanup Goals Achieved) in CERCLIS. This is a program measure.

**v. NPL Site Construction Completions**

Definition:

Construction at a NPL site is considered complete when physical construction is complete for the entire site as a result of one or several removal or remedial actions; and a Preliminary or Final Close Out Report (PCOR or FCOR) has been signed by the designated Regional official and concurred with by HQ. The report must address construction activities for the entire site. There is only one NPL site construction completion per NPL site, and the site must be final on the NPL. For more detailed information, see OSWER Directive 9320.2-09A-P, "Close Out Procedures for National Priorities List Sites."

Definition of Accomplishment:

The following table explains coding and accomplishment requirements.

**EXHIBIT D.4. NPL SITE CONSTRUCTION COMPLETION**

| <b>Examples of last OU or activity</b>  | <b>When Construction is Complete</b>  | <b>Coding Requirements</b>  |
|---|---|---|
| 1) Excavation and off-site disposal of contamination,<br>2) On-site treatment of wastes (except for groundwater restoration, bioremediation or soil vapor extraction), or<br>3) Containment remedies. | Pre-final inspection has been conducted, only minor punch list items remain, and the designated Regional official has signed the Preliminary or Final Close-Out Report (PCOR or FCOR).  | <p>The region enters completion date of the report into CERCLIS as the actual completion date (Actual Complete) of the Preliminary Close-Out Report [Action Name = Prelim Close-Out Rep Prepared], or the actual completion date (Actual Complete) of the Final Close-Out Report [Action Name = Close Out Report]</p> <p>AND</p> <p>HQ enters the Construction Completion indicator into CERCLIS. This action constitutes HQ concurrence with the PCOR or FCOR documentation.</p> |
| In-situ bioremediation, ex-situ bioremediation, or soil vapor extraction.   | Treatment unit has been constructed, is operating as designed, studies show that technology will achieve cleanup goals, and the designated Regional official has signed the PCOR.   |   |
| Interim action RODs for groundwater restoration to reduce contaminant concentrations to meet cleanup goals.   | Remedy is documented in final ROD, physical construction of the remedy is complete, and the designated Regional official has signed the PCOR.   |   |
| RODs with contingency remedies  | Physical construction of the remedy is complete, a pre-final inspection has been conducted, only minor punch list items remain, the PCOR or FCOR demonstrates that use of the contingency is not anticipated, and the designated Regional official has signed the PCOR or FCOR. |   |
| Sites deleted from the NPL prior to reaching Construction Completion.   | When (1) EPA determines that all physical construction is complete under all statutory authorities, and (2) all other applicable construction completion policy criteria have been satisfied.   | Consistent with requirements for final NPL sites.   |
| Sites requiring no remedial action or no further remedial action in the last OU. This includes groundwater monitoring if that is the only activity specified in the ROD.                              | No action or no further action ROD has been signed, and the designated Regional official has signed the PCOR or FCOR. No Action RODs will not be accepted for Construction Completion.  | <p>The region enters the completion date of the report into CERCLIS as the actual completion date (Actual Complete) of the PCOR (Action Name = Prelim Close-Out Report Prepared) <b>or</b> the actual completion date (Actual Complete) of the Final Close-Out Report (Action Name = Close Out Report).</p> <p><b>AND</b></p> <p>HQ enters the Construction Completion indicator into CERCLIS. This action constitutes HQ concurrence with the PCOR or FCOR documentation.</p>    |
| Institutional controls as the only remedy in the ROD.   | The PCOR indicates that the institutional controls are in the schedule for site completion, and the designated Regional official has signed the PCOR. If institutional controls have been implemented, region can go directly to FCOR.  |   |

| Examples of last OU or activity   | When Construction is Complete  | Coding Requirements  |
|---|--|--|
| NPL site entirely addressed through removal actions. For removals with institutional controls, see above. | Actual date the federal agency has demobilized and notified EPA, completing the scope of work delineated in the Action Memorandum or other decision document. The date must be reported in CERCLIS as the actual completion date (Actual Complete) of the removal (Action Name = FF Removal), or ISM (Action Name = RCRA Interim/Stabilization Measure). | The region enters the following into CERCLIS: The removal (Action Name = Removal Action or PRP Removal) actual completion date (Actual Complete) as reported in the POLREP; <b>and</b> the Qualifier that indicates that the site is Cleaned Up; <b>and</b> the actual completion date (Actual Complete) of the Final Close-Out Report (Action Name = Close Out Report);<br><br><b>AND</b><br>HQ enters the Construction Completion indicator into CERCLIS. This action constitutes concurrence with the FCOR documentation. |

Changes in Definition FY 06/07 - FY 08/09:

None

Special Planning/Reporting Requirements:

Regions will not receive credit for a NPL Site Construction Completion until the actual completion date of the Preliminary or Final Close-Out Report is entered into CERCLIS, the necessary documentation is submitted to HQ, and HQ enters the construction completion indicator into CERCLIS. Regions identify sites to meet the goal prior to the start of the FY. This is a GPRA annual performance goal.

**w. Federal Facility Partial NPL Deletion**Definition:

To support revitalization and other efforts, EPA will consider partial deletion for portions of sites when no further response is appropriate for that portion of the site. Such portion may be a defined geographic unit of the site, perhaps as small as a residential unit, or may be a specific medium at the site (e.g., groundwater), depending on the nature or extent of the release(s). The criteria for partial deletion are the same as for final deletion. Given State concurrence, EPA considers:

- Whether responsible Federal agencies or other parties have implemented all appropriate and required response actions;
- Whether all appropriate Fund financed responses under CERCLA have been implemented and EPA has determined that no further cleanup by responsible parties is appropriate; or
- Whether the release of hazardous substances poses no significant threat to the public health, welfare or the environment, thereby eliminating the need for remedial action.

The partial deletion action should be used only when the deletion does not address all releases listed on the NPL. If a deletion does cover the remaining release listed on the NPL, the action should be treated as a Final NPL Deletion (Action Name = Deletion from NPL), discussed below.

Definition of Accomplishment:

The partial NPL deletion process begins when a Notice of Intent to Partially Delete (Action Name = Notice of Intent to Partially Delete) is published in the *Federal Register* for the specified portion of a site on the NPL. Notice of Intent to Partially Delete is completed (Actual Complete) the day the *Federal Register* is published. If the Direct Final Process for Partial Deletions is used, the process begins when the Direct Final Action Notice is published in the *Federal Register* (Action Name = Notice of Intent to Partially Delete).

The partial NPL deletion process (Action Name = Partial NPL Deletion) is complete (Actual Complete) when the Notice of Partial Deletion is published in the *Federal Register* for the specified portion of a site on the NPL. If the Direct Final Process for Partial Deletions is used and the comment period has ended with



no adverse comments, the actual completion (Actual Complete) is the effective date of deletion specified in the Direct Final Action Notice.

Start dates are not required for either the Notice of Intent to Partially Delete (NOIPD) or the Partial NPL Deletion actions. The completion of the NOIPD action signifies the start of the partial deletion action.

HQ will enter the Partial Deletion and the Notice of Intent to Partially Delete from the NPL actions and the completion dates into CERCLIS.

For more detailed information, see OSWER Directive 9320.2-09A-P, "Close Out Procedures for National Priorities List Sites."

Changes in Definition FY 06/07 - FY 08/09:

None

Special Planning/Reporting Requirements:

Partial NPL deletions are tracked separately from final NPL deletions (Action Name = Deletion from NPL). Partial site deletions will be entered by HQ if a portion, or portions, of the release remain listed on the NPL following completion of the partial deletion.

Partial deletions will only be coded at specific Operable Units (OUs) when a single OU is subject to the partial deletion and the particular OU is specified in the Notice of Intent to Partially Delete in the *Federal Register*. Partial deletion actions that address multiple OUs or areas that do not directly correspond to a specific OU will be coded at OU00 (sitewide).

A site deletion (Action Name = Deletion from NPL) will be entered by HQ if the deletion activity addresses all remaining releases listed on the NPL (either as a one time deletion action for the entire site as originally listed, or as the last deletion activity associated with a site subject to previous partial deletions). This is a program measure.

**x. Federal Facility Final NPL Deletion**

Definition:

With State concurrence, EPA may delete sites from the NPL when it determines that no further response is appropriate under CERCLA. In making that determination, EPA considers:

- Whether responsible Federal agencies or other parties have implemented all appropriate and required response actions;
- Whether all appropriate Fund financed responses under CERCLA have been implemented and EPA has determined that no further cleanup by responsible parties is appropriate; or
- Whether the release of hazardous substances poses no significant threat to the public health, welfare or the environment, thereby eliminating the need for remedial action.

EPA will consider deleting the entire site or portions of sites from NPL, as appropriate. EPA will consider partial deletion for portions of sites when no further response is appropriate for that portion of the site. Such portions may be a defined geological unit of the site, or may be a specific medium at the site. If a decision does cover the remaining release listed on the NPL, the action should be treated as a Final NPL Deletion. State concurrence is required for any deletion.

Definition of Accomplishment:

The deletion process for the entire site (Action Name = Notice of Intent to Delete from the NPL) starts (Actual Start) when a Notice of Intent to Delete is published for the *Federal Register*. If the Direct Final Process is used, the process begins when the Direct Final Action Notice is published in the *Federal Register* (Action Name = Notice of Intent to Delete).

The deletion process for the entire site (Action Name = Deletion from the NPL) is complete (Actual Complete) when the Notice of Deletion is published in the *Federal Register*. If the Direct Final Process is used and the comment period has ended with no adverse comments, the actual completion (Actual Complete) is the effective date of deletion specified in the Direct Final Action Notice.

Start dates are not required for either the Notice of Intent to Delete (NOID) or the Deletion from the NPL actions. The completion of the NOID action signifies the start of the deletion action.

Changes in Definition FY 06/07 - FY 08/09:

None

Special Planning/Reporting Requirements:

The Action, Final Deletion from the NPL, will be used whether deletion is accomplished through the Notice of Deletion or the Direct Final Action Notice. When the Notice of Deletion is published or the date of deletion is effective, HQ will change the NPL Status in CERCLIS to "Deleted from Final NPL." This is a program measure.

**y. Federal Facility Five-Year Reviews**

Definition:

A Five Year Review is a review of remedial action(s) selected under CERCLA Section 121(c). The purpose of the Five Year Review is to determine whether the remedy at a site is/remains protective of human health and the environment and to evaluate the implementation and performance of the selected remedy. Where remedial actions are still under construction, a Five Year Review determines whether immediate threats have been addressed and whether EPA continues to expect the remedy to be protective when all remedial actions are complete. EPA conducts statutory reviews of any site at which a post-SARA remedy, upon attainment of cleanup levels specified in the ROD, will not allow for unlimited use and unrestricted exposure. EPA conducts policy reviews at sites where remedial actions will attain cleanup levels that, upon completion will allow for unlimited use and unrestricted exposure but will take longer than five years to complete, at sites with pre-SARA remedies at which cleanup levels do not allow for unlimited use and unrestricted exposure, and at NPL removal only sites where cleanup levels do not allow unlimited use and unrestricted exposure.

Definition of Accomplishment:

*Federal Facility Five-Year Review Starts* - Credit is given for a five-year review start when EPA approves the five-year review work plan submitted by the other federal agency, or when the Federal Facility actually starts the review or submits the draft document for review, as outlined in the ROD or IAG. The actual start date (Actual Start) for the five-year review (Action Name = FF FYR) must be entered into CERCLIS. There are multiple triggers for five-year reviews. Please reference policy to select the appropriate method for calculating the five-year review date.

*Federal Facility Five-Year Review Planned Completions* - The FF FYR planned completion date and the report due (SubAction Name = FYR Report Due) date are system generated based on the Five-year review type entered at the time of ROD completion.

**Statutory:** The FF FYR and FYR Report Due planned completion date fields are populated for five years after the Federal Facility RA action planned start date. Both the FF FYR planned completion date and the FYR Report Due planned completion date will be updated by the system based on changes to the planned or actual start dates for triggering FF RA action. The FF FYR planned completion date will be editable. The FYR Report Due planned completion date will be greyed out and uneditable and will be locked once the actual start date for the FF RA is entered.

**Policy:** The FF FYR and FYR Report Due planned completion dates are populated for five years after the PCOR or FCOR planned completion date. Both the FF FYR planned completion date and the FYR Report Due planned completion date will be updated by the system based on changes to the planned or actual completion dates for the triggering PCOR or FCOR. The FF FYR planned completion date will be editable. The FYR Report Due planned completion date will be greyed out and un-editable and will be locked once the actual completion date of the PCOR or FCOR is entered.

*Federal Facility Five-Year Review Actual Completions* - The five-year review is complete on the date the designated Regional official either signs the five-year review report stating whether the remedy is, or is not, protective of human health and the environment, or has concurred on the five year review report, or has

made their own protectiveness determination. The actual completion date (Actual Complete) for the five-year review (Action Name = FF FYR) must be entered into CERCLIS. Situations do occur where multiple NPL sites are covered under a single five-year review report. In these situations the date of the report will be used to signify the completion of the five-year review for each of the NPL sites.

*Five-Year Review Addendum Subaction, Planned Completion Date* - The five-year review addendum (Subaction name = FYR Addendum) planned completion date is system generated based on the date entered into the five-year review protectiveness determination tab in the "Planned Date of Addendum" text box for sites that have a "Protectiveness Deferred" OU-specific or sitewide determination. The five-year review addendum planned completion date will be editable.

*Five-Year Review Addendum Subaction, Actual Completion Date* - The five-year review addendum is complete on the date the designated regional official signs the five-year review addendum stating a new protectiveness determination of all remedies that have deferred protectiveness determinations. The actual completion date (actual completion) for the five-year review addendum subaction must be entered into CERCLIS.

Changes in Definition FY 06/07 - FY 08/09:

None.

Special Planning/Reporting Requirements:

Five-year Review completion is a program target. Five-year review completions must be planned and reported site-specifically (Action Name = FF FYR) in CERCLIS. The trigger for a statutory five-year review is the actual start date of the FF RA Start.

A new five-year review module was implemented in CERCLIS on June 26, 2006. While the data that is being captured is the same, there are several noticeable differences.

In CERCLIS there is now:

- A five-year review addendum subaction for completed reviews with protectiveness deferred statements,
- The ability to add a new five-year review through the project schedule,
- No ROD data association,
- The ability to update a trigger on a planned five-year review,
- The ability to modify the five-year review type on a planned review,
- The ability to associate issues/recommendations with the correct OU and response action,
- The ability to enter/track more than one five-year review with multiple OUs,
- The Comment tab will be used to provide information on the review status of the report, Comments on draft five-year review reports and delivery dates of draft and final reports can also be added to the Comment tab.
  - Required five-year review information that must be entered for Federal Facility sites in order to receive SCAP credit: Five-year review completion date
  - Protectiveness determination
  - Protectiveness statement
  - Generate next five-year review (select 'No' if no further reviews are necessary)
  - Issues and recommendations (everything on the "Add/Edit/Delete/Issue/Recommendation" window is required except for the text boxes on the right hand side, as they are only required when 'other' is selected, and the "Status Comment" box is optional). If the protectiveness statement is anything less than 'Protective,' then the five-year review must have a recommendation. However, if 'Protective' is selected then a recommendation is not required.

#### **D.B.4. Community Involvement Definitions**

The following section contains Community Involvement requirements for Federal Facilities . Community Involvement requirements for non-Federal Facility sites are included in Appendix H .

**a. Restoration Advisory Boards (RABs)/Site-Specific Advisory Boards (SSABs)**Definition:

Site-Specific Advisory Boards (SSABs) are a forum for experts and concerned stakeholders to provide advice and recommendations on DOE's Environmental Management strategic decisions. Restoration Advisory Boards (RABs) provide a forum through which members of nearby communities can provide input to DoD's environmental restoration program. RABs and SSABs complement other community involvement activities, such as public meetings, mailings, and local information repositories.

Definition of Accomplishment:

*RAB/SSAB Start (Established) Date:* The actual start date of the RAB/SSAB is defined as the actual start date (Actual Start) of the initial RAB/SSAB information meeting (SubAction Name = Site-Specific Advisory Board Meeting or SubAction Name = Restoration Advisory Board Meeting).

*RAB Completion (Adjourned) Date:* The actual completion (Actual Complete) date of the Restoration Advisory Board (SubAction Name = Restoration Advisory Board) is the date the RAB is adjourned by DoD (SubAction Name = Restoration Advisory Board).

*SSAB Completion (Terminated) Date:* The actual completion (Actual Complete) date of the Site-Specific Advisory Board (SubAction Name = Site-Specific Advisory Board) is the date the SSAB is terminated by the Secretary of Energy (SubAction Name = Site-Specific Advisory Board).

Changes in Definition FY 06/07 - FY 08/09:

None.

Special Planning/Reporting Requirements:

This is a program measure. The data management approach for tracking the adjournment of RABs and the termination of SSABs is still under development. Site Specific Advisory Board Meeting and Restoration Advisory Board Meeting are valid SubActions under Federal Facility Community Relations.

**b. Technical Assistance Grants (TAGs)**Definition:

The Superfund Amendments and Reauthorization Act of 1986 (SARA) established the TAG program to provide technical assistance to eligible communities. This technical assistance allows communities to improve the decision making process at their sites.

Definition of Accomplishment:

The start of the TAG (Action Name = Technical Assistance Grant) is the date the award document is signed by the regional award official. For Superfund programmatic purposes, the completion of the TAG is the ending date of the budget and project period as documented in the award document; as documented in the one year extension document; as documented in a time period extension document; or as documented in other documents, such as a memo to the file prepared by the TAG coordinator to document these decisions. The planned or actual completion date in CERCLIS (whichever is applicable) must be changed to reflect the date of the most recent source document, e.g., award document, one-year extension document, memo to the file, etc. These definitions may be applied to all historical CERCLIS data, including data prior to FY 89, which is the first fiscal year TAG appeared in the SPIM. In addition, the TAG completion definitions from previous years may also be used for TAGs completed within those years.

Changes in Definition FY 06/07 - FY 08/09:

None.

Special Planning/Reporting Requirements:

TAG is a program measure. Planned start and completion dates are required in CERCLIS. Funds may be planned site-or non-site specifically; however, they must be obligated site specifically. Funds for TAGs at Federal Facility sites are contained in the Federal Facility budget and found in the Federal Facility AOA.

**c. Technical Outreach Services for Communities (TOSC)**Definition:

TOSC provides independent scientific and technical assistance to communities dealing with hazardous substance contamination questions. TOSC provides information and education to empower communities with an understanding of technical issues to more effectively participate in environmental decisions. TOSC is a service of the University-based Hazardous Substance Research Centers (HSRCs) which are, in part, supported by grants from EPA.

Definition of Accomplishment:

The start of a TOSC is the date when the MOU (Memorandum of Understanding) is signed, which is the date of the commitment between the community and the HSRCs. The date the MOU is signed should be reported in CERCLIS as the actual start date (Actual Start) of the TOSC (Action Name = Technical Outreach Services to Communities).

Changes in Definition FY 06/07 - FY 08/09:

None

Special Planning/Reporting Requirements:

The region must indicate on the Community Organizations Information screen that the organization is a TOSC recipient. This is a program measure.

**D.B.5. Cross Program Revitalization Measure****a. Sitewide Ready for Anticipated Use**Definition:

The Sitewide Ready for Anticipated Use (RAU) measure reports sites documented as ready for anticipated use where, for the entire construction complete final or deleted NPL site:

- All cleanup goals in the Record(s) of Decision or other remedy decision document(s) have been achieved for media that may affect current and reasonably anticipated future land uses of the site, so that there are no unacceptable risks; and
- All institutional or other controls required in the Record(s) of Decision or other remedy decision document(s) have been put in place.

For more information about this measure, please refer to OSWER 9365.0-36, "Guidance for Documenting and Reporting the Superfund Sitewide Ready-for-Reuse Performance Measure" and OSWER 9200.1-74, "Guidance for Documenting and Reporting Performance in Achieving Land Revitalization." ([http://www.epa.gov/fedfac/sf\\_ff\\_final\\_cprm\\_guidance.pdf](http://www.epa.gov/fedfac/sf_ff_final_cprm_guidance.pdf))

Definition of Accomplishment:

A site meets Sitewide RAU when a hard copy checklist has been completed, signed by a regional approving official, submitted to headquarters, and the entire site meets the criteria established in the guidance. All acres that are part of the Superfund site universe must be documented as RAU within CERCLIS prior to the region's submission of a property reuse evaluation checklist. The Sitewide RAU date entered into CERCLIS should be the signature date on the Checklist of the regional reviewing official.

Change in Definition FY 06/07 – FY 08/09:

In 2006, this GPRA measure was known as Sitewide Ready for Reuse. In 2007, it was renamed Sitewide Ready for Anticipated Use.

Special Planning/Reporting Requirements:

The Sitewide RAU measure is for construction complete Superfund final and deleted NPL sites only. Regions will submit completed Checklists for the Sitewide RAU measure to Headquarters for approval before the reported site may be counted to meet the GPRA target for this measure. The Sitewide RAU

completion date that is entered into CERCLIS should be the exact date that the Regional approving official signs the hard-copy Sitewide RAU Checklist form. Regions began reporting Sitewide Ready for Reuse sites in FY 2006. In FY 2007, the name of the measure was changed to Sitewide Ready for Anticipated Reuse. This is a GPRA annual performance goal. EPA will continue to track the Sitewide RAU measure as a discrete measure with targets.

The determination that a site is Sitewide RAU is based on the information available at the time the determination is made. That determination may revert if site conditions change, or if new or additional information is discovered regarding the contamination at the site. The site can be re-designated as Sitewide RAU only when the requirements are met. If, at the time of determination or at any other time, EPA becomes aware of other environmental problems that pose unacceptable risk relevant to site use or reuse, including risks addressed under other cleanup or public health authorities, the site should not be reported under this measure.

A site's CPRM data will only be counted in Superfund totals if the site has the Special Initiative flag of 'CU' (CPRM Universe) associated to it at the site level. This flag places the site in the Superfund "universe", therefore ensuring that its CPRM data is being captured.

Data Entry Timeliness Requirement:

| SPIM Action/<br>Activity                            | Activity<br>Type   | Action<br>Lead | Documentation<br>Required    | Documentation<br>Approval/ Date<br>Requirements            | Data Must Be Entered By  |
|---|--------------------|----------------|------------------------------|--|--|
| Action Name<br>= PFP/RAU<br>Evaluation<br>Checklist | Program<br>Measure | EP             | Property Reuse<br>Evaluation | Signed by<br>Regional division<br>director or<br>designee. | It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the quarterly pull for the quarter in which the event occurs. (Generally, the quarterly pull occurs on the fifth business day following the end of FYQ1, FYQ2 and FYQ3, and on the tenth business day following the end of FYQ4.) |

**b. Protective for People Under Current Conditions (PFP)**

Definition:

This new measure is based on the existing Human Exposures Under Control Environmental Indicator and reports sites and land area, as measured in acres, which are protective for people under current conditions.

The PFP performance measure reports the number of sites and acres at which there is no complete pathway for human exposures to unacceptable levels of contamination, based on current site conditions. Reporting on a particular site for this measure should be based on an understanding of current conditions, presence and toxicity of contamination, routes of contaminant migration (e.g., vapor intrusion), and routes of exposures to humans (e.g., dermal, inhalation, ingestion).

Achieving the PFP measure means, at a minimum, that all identified human exposure pathways from contamination at the site are under control or possible exposures are below health-based levels for current land use conditions. "Under control" means that adequately protective controls are in place to prevent any unacceptable human exposure under current land use conditions. Achieving the PFP measure does not involve consideration of future use conditions or ecological receptors. The PFP measure can be achieved through temporary solutions based on current conditions and associated exposures at a given point in time, and does not necessarily require that all cleanup goals be met at a site or OU or property transfer parcel.

For the purposes of this measure, the entire site or individual OUs at a site can be counted so long as the criteria are met for those areas. At property transfer sites (e.g., BRAC facilities), EPA may evaluate property transfer parcels, instead of OUs, within a property transfer document, such as a FOSL and FOSET. Such parcels should meet PFP, as often the FOSL and FOSET address immediate, not necessarily

long-term, property use. The term “property transfer parcel” is equivalent to the term “OU” when capturing acres for the PFP measure.

For the purposes of this measure, a site or OU will achieve the PFP performance measure when it can be determined that the entire area comprising the site or OU meets any one of the three possible designations for the current Human Exposures Under Control Environmental Indicator, which currently apply to NPL sites only. The current Environmental Indicators Guidance is included in Appendix B. The three designations in the existing Human Exposures Under Control Environmental Indicator that ensure acres meet PFP include:

- Current Human Exposures Under Control;
- Current Human Exposures Controlled and Protective Remedy in Place; or
- Long-Term Human Health Protection Achieved.

Note that an OU, parcel, or entire site may meet PFP if the ground water is contaminated yet no human exposure pathways exist, and the soil above the plume has been investigated to ensure it meets PFP, or is safe for human exposure. It should also be noted that a site may have several OUs or parcels with different designations, some of which have met PFP criteria, some of which have also met RAU criteria, and some of which do not meet either performance measure (i.e., are not protective).

The total number of sites with one or more OUs meeting the PFP measure will be determined from information recorded in CERCLIS and routinely reported for management and communication purposes.

Definition of Accomplishment:

Acres can be claimed as Protective for People Under Current Conditions when all identified human exposure pathways from contamination at the site or individual OUs/parcels are under control or possible exposures are below health-based levels for current land use conditions.

The Protective for People designation is achieved when one of the following occurs:

- PFP/RAU Checklist: The date that EPA completes (Actual Completion Date) and saves the data on the Checklist form, or the date a user revises a completed form (Action Name = PRP/RAU Evaluation Checklist).
- FOSET: The date (Actual Completion Date) the appropriate regional official signs a letter, form, or memo stating that EPA has completed its review and provided comments or concurrence on the early transfer document(s) (Action Name = FOSET).
- FOSL: The date (Actual Completion Date) the appropriate regional official signs a letter, form, or memo stating that EPA has completed its review and provided comments or concurrence on the lease document(s) (Action Name = FOSL).

Change in Definition FY 06/07 - FY 08/09:

These performance measures were implemented at the end of FY 2007.

Special Planning/Reporting Requirements:

This is a program measure. A new CERCLIS Land Reuse module was designed to track these new measures in CERCLIS. The module was released in June 2007.

Data Entry Timeliness Requirement:

| SPIM Action/ Activity                      | Activity Type   | Action Lead | Documentation Required | Documentation Approval/ Date Requirements         | Data Must Be Entered By  |
|--|-----------------|-------------|------------------------|---|--|
| Action Name = PFP/RAU Evaluation Checklist | Program Measure | EP          | Checklist Form         | Signed by Regional division director or designee. | It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the quarterly pull for the quarter in which the event occurs. (Generally, the quarterly pull occurs on the fifth business day following the end of FYQ1, FYQ2 and FYQ3, and on the tenth business day following the end of FYQ4.) |
| FOSET                                      | Program Measure | FF          | Transfer Document      |   |  |
| FOSL                                       | Program Measure | FF          | Lease Document         |   |  |
| FOST                                       | Program Measure | FF          | Transfer Document      |   |  |

**c. Ready for Anticipated Use (RAU)**Definition:

This new measure replaces “Acres of Land Ready for Reuse” as well as “Sites Ready for Reuse” as defined in the 2004 Guidance. This RAU measure also includes the land area, as measured in acres, at sites that meet the 2006 Sitewide RfR (now renamed “Sitewide RAU”) Guidance for continued and anticipated use, as well as any other acres that meet RAU criteria.

*Ready for Anticipated Use (RAU) Performance Measure:* The RAU performance measure captures the acreage within sites or OUs that are PFP and meet the following two additional criteria:

- All cleanup goals have been achieved for media that may affect current and reasonably anticipated future land uses (or decision documents confirm uncontaminated acres) for the site or OU such that there is *no unacceptable risk*, and
- All institutional or other controls identified as part of the response action to help ensure long-term protection have been put in place.

The definition of this measure as it applies to an entire site is consistent with the Sitewide RAU measure. Therefore, all sites and acres counted toward the Sitewide RAU measure will also count toward the RAU measure. In addition, the RAU measure described here may also include individual OUs and a broader universe of sites (i.e., SA, NTCRA, certain non-NPL Federal facilities, FUDS, etc) than those included in the Sitewide RAU measure.

For the purposes of this measure, property transfer parcels (e.g., parcels at some BRAC facilities) will be evaluated instead of OUs at facilities where EPA has a documented role in the property transfer. As such, the term “property transfer parcel” is equivalent to the term “OU” when capturing acres for the RAU measure. The determination that an OU achieves the RAU measure can occur at any particular point in time and the OU’s reported status should be revised if the site’s conditions change or if new or additional information is discovered regarding the contamination or conditions at the site (e.g., contaminant occurrence, migration, toxicity levels for specific contaminants, and exposures). If at the time of the determination, or at any other time, EPA becomes aware of other environmental problems that pose unacceptable risk relevant to the site or reuse, including risks addressed under other cleanup or public health authorities, the site should not be reported under the RAU measure. Documentation that OUs achieve the RAU measure should be changed accordingly if, or when, information becomes available that would bring into question whether the OUs continue to meet the RAU definition. Those specific acres associated with the OU in question should only be re-recorded as meeting the RAU measure if and when acres once again meet the RAU definition.

The total number of sites with one or more OUs meeting the RAU measure will be determined from information recorded in CERCLIS and routinely reported for management and communication purposes.



For more information about this measure, please refer to the “Guidance for Documenting and Reporting Performance in Achieving Land Revitalization: The Office of Superfund Remediation and Technology Innovation (OSRTI) and Federal Facilities Restoration and Reuse Office (FFRRO)” ([http://www.epa.gov/fedfac/sf\\_ff\\_final\\_cprm\\_guidance.pdf](http://www.epa.gov/fedfac/sf_ff_final_cprm_guidance.pdf)).

Definition of Accomplishment:

The RAU performance measure captures the acreage within sites or OUs that are PFP and meet the following two additional criteria: (1) all cleanup goals have been achieved for media that may affect current and reasonably anticipated future land uses (or decision documents confirm uncontaminated acres) for the site or OU such that there is no unacceptable risk, and (2) all institutional or other controls identified as part of the response action to help ensure long-term protection have been put in place.

The Total RAU designation at a site or OU is achieved when one of the following occurs:

- PFP/RAU Checklist: The date that EPA completes (Actual Completion Date) and saves the data on the Checklist form, or the date a user revises a completed form (Action Name = PRP/RAU Checklist).
- FOST: The date (Actual Completion Date) the appropriate regional official signs a letter, form, or memo stating that EPA has completed its review and provided comments or concurrence on the transfer document(s) (Action Name = FOST). User must also attest that ICs are in place via the FOST screen in CERCLIS.

Change in Definition FY 06/07 - FY 08/09:

These performance measures were implemented at the end of FY 2007.

Special Planning/Reporting Requirements:

*Universe Indicator:* The Universe Indicator seeks to count the total number of acres and sites that have been investigated at all sites since program inception. In order to be included in the Universe Indicator, the site should be eligible for investigation under CERCLA, or as the result of EPA’s involvement at BRAC facilities. For sites that are proposed for, listed on, or deleted from the NPL, or for SA sites, acres included in the Universe Indicator should be investigated in a manner consistent with the *Guidance for Conducting Remedial Investigations and Feasibility Studies Under CERCLA*. Similarly, NTCRA sites should be investigated in a manner consistent with *Guidance on Conducting Non-Time-Critical Removal Actions Under CERCLA*. Both remedial and NTCRA sites and acres where initial investigations indicate that no unacceptable risks exist, and therefore no further action is required, should be included in the Universe Indicator.

The Universe Indicator and performance measures apply to the following contaminated or potentially contaminated media - land, wetlands, surface water, and/or sediments - provided that media is subject to Superfund and Federal facilities remedial investigation, oversight, and/or response action. However, the acres captured under the Universe Indicator do not include land areas overlying a ground water plume where those land areas are not intended to be assessed consistent with applicable EPA guidance. For example, if a plume extends under a land area and EPA has no intention of investigating these acres of land for contamination unrelated to the plume, then those land acres would not be included in the acreage reported by the Universe measure. By extension, a site with only ground water contamination would not be captured by the Universe Indicator. Note that there may also be exceptions in which sites with areas of surface water, sediments, and/or tidal basins will not automatically be included due to site-specific circumstances. These types of sites will be dealt with on a case-by-case basis.

Data Entry Timeliness Requirement:

| SPIM Action/ Activity                      | Activity Type   | Action Lead | Documentation Required | Documentation Approval/ Date Requirements         | Data Must Be Entered By  |
|--|-----------------|-------------|------------------------|---|--|
| Action Name = PFP/RAU Evaluation Checklist | GPRA APG        | EP          | Checklist Form         | Signed by Regional division director or designee. | It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the quarterly pull for the quarter in which the event occurs. (Generally, the quarterly pull occurs on the fifth business day following the end of FYQ1, FYQ2 and FYQ3, and on the tenth business day following the end of FYQ4.) |
| FOSET                                      | Program Measure | FF          | Transfer Document      |   |  |
| FOSL                                       | Program Measure | FF          | Lease Document         |   |  |
| FOST                                       | Program Measure | FF          | Transfer Document      |   |  |

**D.B.6. Cleanup Privatization at BRAC NPL Sites**Definition:

At Department of Defense (DoD) Base Realignment and Closure (BRAC) sites, EPA recognizes that the privatization of the cleanup, where a developer or other organization rather than the military conducts the cleanup using funds provided by DoD, can present an opportunity to integrate redevelopment planning with cleanup. Such privatized cleanups provides another option to Federal and state agencies and local communities to help maximize the impact of cleanup and redevelopment resources to help move properties back into productive reuse more quickly. Privatization is an early transfer of property. In order to conduct an early transfer of property, DoD must request a deferral of the covenant required by CERCLA section 120(h)(3)(A)(ii)(I) ensuring that all remedial action necessary has been completed prior to transfer by the federal government. For NPL installation, EPA and the Governor of the State must approve such requests. Regions should follow "EPA Guidance on the Transfer of Federal Property by Deed Before All Necessary Remedial Action Has Been Taken Pursuant to CERCLA Section (120(h)(3)(Early Transfer Guidance) when reviewing covenant deferral requests from other federal agencies. Where institutional controls are or will be required as part of the early transfer, Regions should also consult the "Institutional Controls and Transfer of Real Property under CERCLA Section 120(h)(3)(A), (B) or (C) Guidance." DoD often transmits the information used by EPA to review and approve an early transfer through a Finding of Suitability for Early Transfer (FOSET). EPA's guidance discusses the requirements found in CERCLA 120(h)(3)(C) and how they are related to EPA approval of the FOSET and deferral of the covenant.

Definition of Accomplishment:

- *Action Memo* - EPA signs action memo. (Subaction Name = Approval of Action Memo(Actual Complete), Action Lead = EP)
- *FF Removal Start (Private Party Lead)* - Private Party and their contractor mobilize at the site to perform the removal action as documented in a Pollution Report (Action Name = FF Removal (Actual Start), Action Lead = PP, Critical Indicator = TC or NTC).
- *FF Removal Complete (Private Party Lead)* - Private Party and their contractor have completed actions specified in the action memo and have demobilized from the site as documented in the final Pollution Report.. (Action Name = FF Removal (Actual Complete), Action Lead = PP, Action Qualifier = Cleaned Up or Stabilized).
- *EE/CA Start (PP Lead)* - EPA approves EE/CA Approval Memo. (Action Name = Engineering Evaluation/cost Analysis (Actual Start), Action Lead = PP)
- *EE/CA Complete (Private Party Lead)* - EPA approves EE/CA Action Memo. (Action Name = Engineering Evaluation/Cost Analysis, (Actual Complete), Action Lead = PP)
- *FF RI Start or RI/FS Start (Private Party Lead)* - Receipt of draft work plan for RI or RI/FS from the private party. (Action Name = FF RI or FF RI/FS (Actual Start), Action Lead = PP)
- *FF RI/FS Complete (Private Party Lead)* - Use date of ROD (Action Name = FF RI or FF RI/FS (Actual Complete), Action Lead = PP)
- *Public Comment Period Start (EPA Lead)* - Letter transmitting RI/FS reports and the proposed plan to the site repository for public review, signed by the appropriate Regional official; OR first page of the approved proposed plan is included in the site file. (Action Name = Public Comment Period (Start Date), Action Lead = EP)
- *Record of Decision (EPA Lead)* - EPA approves in writing the ROD. (Action Name = Record of Decision (Actual Complete), Action Lead = EP). Enter the same date in the Actual Complete of the FF RI/FS or FF FS.
- *FF RD Start (Private Party Lead)* - Receipt of draft work plan for RD from the private party. (Action Name = FF RD (Actual Start), Action Lead = PP)
- *FF RD Complete (Private Party Lead)* - EPA approves RD Report. (Action Name = FF RD (Actual Complete), Action Lead: PP)
- *FF RA Start (PrivateParty Lead)* - Receipt of draft work plan for RA from the PP. (Action Name = FF RA (Actual Start), Action Lead = PP)
- *FF RA Complete (PrivateParty Lead)*- EPA approves the Interim or Final RA Report. (Action Name = FF RA (Actual Complete), Action Lead = PP, Action Qualifier = Interim RA Report or Final RA Report)

Changes in Definition FY06/07 - FY08/09

None. These are new action definitions.

Special Planning and Reporting Requirements

TBD.

***D.C. SUBJECT MATTER EXPERTS***

Exhibit D.5. identifies the subject matter experts for Appendix D: Federal Facility Response.

**EXHIBIT D.5. SUBJECT MATTER EXPERTS**

| Subject Matter Experts | Subject Area              | Phone #        | E-Mail   |
|------------------------|---------------------------|----------------|--|
| Marie Bell             | Budget Execution          | (703) 603-0050 | <a href="mailto:bell.marie@epa.gov">bell.marie@epa.gov</a>               |
| Tencil Coffee          | Budget Planning           | (703) 603-0053 | <a href="mailto:coffee.hortensia@epa.gov">coffee.hortensia@epa.gov</a>   |
| Brendan Roache         | Reuse/Revitalization      | (703) 603-0055 | <a href="mailto:roache.brendan@epa.gov">roache.brendan@epa.gov</a>       |
| Brendan Roache         | Federal Facility Response | (703) 603-8704 | <a href="mailto:roache.brendan@epa.gov">roache.brendan@epa.gov</a>       |
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